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# **A LEGISLATOR'S HANDBOOK**

**1998** 9

**Tenth Edition**

Published by  
Montana Legislative Services Division  
State Capitol, Room 138  
Helena MT 59620-1706



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# **A LEGISLATOR'S HANDBOOK**

**Tenth Edition**

**1999**

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Published by

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## INTRODUCTION AND ACKNOWLEDGMENTS

Unlike those of many other states, Montana's legislators are part-time practitioners of the profession of government, who every two years must refocus their attention from private and family affairs to all-encompassing concentration on public business during the biennial 90-day regular session. This adjustment can be confusing and bewildering, particularly for a newly elected legislator who is uncertain about the procedures of lawmaking, about the organization in which lawmakers will function, about the maze of state government activities, and about the responsibilities and capabilities of the full-time and session staff available to assist them.

This publication tries to dispel the confusion so that each legislator can function at the peak of efficiency.

A variety of organizations and businesses have customarily provided directories, handbooks, and souvenir publications containing biographical information, telephone numbers, mailing addresses, committee assignments, and rosters of the House and Senate. This volume is not a duplication or replacement of any of those publications. This edition of *A Legislator's Handbook* presents authoritative information the legislator will need from the first day of the session and is the tenth published by the Legislative Services Division.

Lawmaking is continually evolving in processes and methods. While the fundamental principles underlying American government are ageless, technologies and techniques reflect progress, and any compendium of advice to lawmakers that fails to acknowledge change is soon outdated. For that reason, revision of this handbook for each regular session is necessary.

For this tenth edition, all material has been verified, freshly researched, rewritten, edited, and updated to present accurate, timely accounts of all matters relevant to the organization and function of the 56th Legislature.

For their advice and assistance in preparing this tenth edition, acknowledgment and appreciation are due my colleagues on the Legislative Services Division staff: Henry Trenk and Tom Mulvaney in

Legislative Information Technology; Ann Patten, Kip Davis, and Kevin Hayes in Central Services; Greg Petesch, Lee Heiman, and Carol Ann Jacobson of Legal Services; Elizabeth Furbush, Legislative Librarian; Karen Berger and Tina Petersen in Financial Services; and Bob Person, Executive Director. They willingly shared their comprehensive knowledge of the legislative process.

This handbook could not have been completed without the assistance provided by the Legislative Fiscal Division, the Legislative Audit Division, the Consumer Counsel, and numerous individuals in the Executive Branch. Their participation included contribution of sections relevant to their agencies and review of pertinent sections. Each of them has my acknowledgment of their assistance and my gratitude.

Additionally, Paul Verdon, a Legislative Services Division Staff stalwart for nearly a dozen years, deserves special recognition. His years of attention to previous editions of this handbook laid a solid foundation of form and substance. It is his work that continues to provide the bulk of information provided in this edition.

All of us who participated in the preparation and publication of *A Legislator's Handbook 1999* hope those for whom it is intended will find it a useful tool in their work as Montana's lawmakers.

David D. Bohyer  
Research Director  
Montana Legislative Services Division

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# **CHAPTER I**

## **THE LEGISLATURE—AN OVERVIEW**

Montana's State Constitution was written by delegates to a convention in 1972 and ratified by popular vote that year to replace the 1889 organic law under which statehood was achieved. In keeping with the U.S. federal system, the Montana Constitution provides for independent Legislative, Executive, and Judicial Branches. The people express their will directly through the Legislative Branch, which enacts laws, levies taxes, and appropriates revenue received from those taxes and from other sources to various agencies of government for public purposes.

The Legislature is established by the Constitution, and its structure and function are prescribed by constitutional law and appropriate rules.

The 1972 Constitution provides for review every 20 years. The people were asked in 1990 to vote on a proposal for a constitutional convention. Through their common voice plebescite, however, Montanans declined the opportunity to hold a convention.

### **STRUCTURE AND FUNCTION**

As established by the Montana Constitution, the Legislature consists of the Senate and the House of Representatives, but the base of legislative authority resides with the people through their retention of the rights of initiative and referendum. With these powers, the people may perform any legislative function except the appropriation of money or the enactment of local or special laws. Between 1972 and 1998, 69 statutory initiatives or referendums (137 since 1908) have been proposed, 33 constitutional amendments have been referred by the Legislature, and 75 constitutional amendments have been initiated by the people. In this time period (but prior to the November 1998 election) the people have approved 18 constitutional amendment referendums and four constitutional amendment initiatives.

The Senate consists of 50 members elected to serve four-year staggered terms, while the House is composed of 100 members chosen for coterminous two-year terms.

Each member of the House represents a district compact and contiguous. All districts are as nearly equal in population as is practicable. Each member of the Senate represents a district composed of two adjoining House districts. A variation of plus or minus 5% from the optimum House district population of 7,991 was the goal in the 1990 reapportionment. Variation range achieved was -4.98% to +4.99%.

A candidate for the Legislature must have resided in the state for at least one year preceding the general election. For six months preceding the election, the candidate must have been a resident of the county if it contains one or more districts or of the district if it contains all or parts of more than one county.

Each legislator is paid a salary and expense allowance as established by law; however, a Legislature may not fix its own compensation. A law changing legislators' salary cannot become effective until the succeeding Legislature takes office in January of the next odd-numbered year when the regular session of not more than 90 days convenes. Any Legislature has the power to increase the limit on the length of any subsequent session.

Special sessions may be convened by the call of the Governor or at the written request of a majority of the members. Since the implementation of the 1972 Constitution, the Legislature has met in special sessions 13 times.

Each Legislature has a lifespan of approximately two years. The 56th Legislature will convene at noon on January 4, 1999, based on a statute that provides the Legislature generally convene on the first Monday in January in the odd-numbered year.

The legislative power embraces many elements, including investigation, confirmation, and impeachment. The great function of the Legislature, however, is lawmaking, which consists of considering bills.

## **BILLS**

A law is enacted by the passage of a bill in the same form in each house. No bill may be so altered on its course through the Legislature so as to change its original purpose. Procedures discussed later in this handbook govern the movement of a bill through the process and define its passage. Several constitutional principles underlie these procedures.

- Every vote of each member on each substantive question is public and is recorded.
- With the exception of appropriation and codification bills, a bill may contain only one subject, clearly expressed in its title. Any provision not expressed in the title is invalid.
- A general appropriation bill may include only expenditures for the ordinary costs of the Legislative, Executive, and Judicial Branches, for interest on the public debt, and for the public schools. An appropriation bill must originate in the House. Appropriations to private persons for religious, charitable, industrial, educational, or benevolent purposes not under control of the state are prohibited.
- Challenge of a law for failure to meet any of these requirements may not be taken later than two years after the law's effective date.
- Prior to submission to the electorate, amendments to the Montana Constitution require approval by two-thirds of all legislators (at least 100 members) and are immune from gubernatorial veto.

## **LEGISLATIVE RULES**

Debate, deliberation, and procedures are restricted within a framework of rules. Because at the beginning of each regular session the House and the Senate adopt the rules of the previous Legislature as the temporary rules, the rules cited here are those of the 55th Legislature.

Later in the session, after approval by the Rules Committees, the permanent rules are adopted.

The Legislative Services Division publishes the *Rules of the Montana Legislature*. Legislators and others may obtain a copy of the *Rules* from the Legislative Services Division.

When a question or situation arises that is not anticipated in the Joint Rules or in the Senate or House Rules, proceedings are governed by *Mason's Manual of Legislative Procedure*.

The essence of rules was expressed in four paragraphs in the Illinois Legislature's handbook *Preface to Lawmaking*:

Of all the things that can be said about the rules, perhaps the most important is that a well grounded knowledge of them is crucial to any legislator who hopes to carry a proposed law through the General Assembly to the Governor's desk. They are the foundation of legislative procedure; if you don't know the rules, you don't know the game.

The rules of procedure establish the order for calling up the business of the day and establish the deadlines for concluding a particular phase of legislative business; they give priority of consideration to the questions which arise in the course of that business, and they provide the method for disposing of those questions.

The rules provide a method for a majority to work its will, and while protecting that majority against minority obstruction, they also guarantee certain rights to minorities and individual members. Also, since rules are written to facilitate the flow of business and not obstruct it, they can be suspended with the consent of the body when it is necessary to remove them as an obstruction to the work of the body. This is not true, however, of constitutional procedural requirements.

Often a rule has no greater purpose than to establish order where there would otherwise be confusion. Such a rule gives the presiding

officer an authority for taking a particular direction. An example of this kind of rule is the rule ranking the precedence of certain kinds of motions from the floor.

## **LEGISLATIVE ORGANIZATION**

Before December 1 of each even-numbered year, the members of the two parties in each house meet in presession caucus to nominate officers. Following caucuses, the nominated officers prepare for the session by appointing committees and hiring necessary employees.

Also during the presession period, the legislative leaders and the members appointed to the Legislative Administration Committees, Committee on Committees, and the Rules Committee complete organizational tasks and assign space and seating. During this period, the House Appropriations Committee and the Senate Finance and Claims Committee may review appropriations requests and may visit state agencies and institutions.

After the November election, each legislator will receive a request to indicate his or her preferences for standing committee appointments. As far as possible, these preferences are taken into account in assignment of legislators to committees.

The officers of the Senate include a President, a President Pro Tempore, a Majority Leader, a Minority Leader, a Majority Whip, and a Minority Whip. While not officers, the members of the Committee on Committees are elected in the same manner as officers.

The officers of the House of Representatives include a Speaker, a Speaker Pro Tempore, a Majority Leader, a Minority Leader, a Majority Whip, and a Minority Whip.

On the opening day of the session, *pro forma* elections are held in both houses, and the officers nominated at the presession caucuses are elected officially and for the record.

The President of the Senate appoints a Secretary of the Senate, a Sergeant-at-Arms, and a Chaplain. The Speaker of the House appoints a Chief Clerk of the House, a Sergeant-at-Arms, and a Chaplain.

The President of the Senate and the Speaker of the House preside over the respective houses (except during Committee of the Whole action when another member is appointed to preside), preserve order, recognize members who wish to speak, and vote as any other member.

## **ETHICS FOR LEGISLATORS**

Article XIII, section 4, of the Montana Constitution requires the Legislature to provide a code of ethics prohibiting conflict between public duty and private interest for members of the Legislature and for all state and local officers and employees. Title 2, chapter 2, of the Montana Code Annotated sets forth standards of conduct for elected officials and employees. Section 2-2-111, MCA, provides rules of conduct for legislators, while 2-2-112, MCA, outlines ethical principles for legislators. Sections 2-2-103, 2-2-104, 2-2-105, and 2-2-121 address rules of conduct and ethical principles for employees, including permanent and session employees of the Legislature. Senate Rules 30-20 and 50-140 and House Rule 30-10 provide for ethics committees.



## **CHAPTER II**

### **ADMINISTRATIVE NUTS AND BOLTS**

The first step in transforming the newly elected Representative or Senator into a functioning lawmaker is acquainting him or her with the details of the Legislature's operational and support systems. Understanding of the personal accommodations, accounting procedures, staff and supply services, and communications facilities enables the legislator to use his or her time and effort most productively.

### **PREPARING FOR THE SESSION**

The period between the November election and the convening of the Legislature imposes many duties upon members and their agency staffs. For a new legislator, the presession caucus mentioned earlier will be the first opportunity to participate in an organized activity. There are, however, many other important activities before the session begins. Probably the basic consideration is learning how to request and introduce a bill. For complete information on this process, see Drafting and Introduction of Bills in CHAPTER III -- LEGISLATIVE PROCEDURES.

At the organization caucuses in November and in the weeks following, each member will receive information about post office boxes and lockers, as well as forms to be completed, including a W-4 form for tax withholding statements, health insurance applications, and other necessary paperwork. It is important to complete and submit all of the forms as soon as possible so that administrative tasks can be accomplished as smoothly as possible.

### **PARKING**

Before the session opens, each legislator is assigned an individual, numbered parking space, either in front or in back of the Capitol. Parking assignments are made by leadership usually according to seniority, although special consideration is given to members who are handicapped or elderly. Unauthorized parking should be reported to the

Sergeant-at-Arms, who will issue a "Please remove" warning to the owner of the offending vehicle.

## **LOCKERS**

The Sergeant-at-Arms of each house will assign a locker to each member. House members' lockers are located on the first floor of the Capitol. Senate lockers are in the cloakroom.

## **HOW TO REPORT ABSENCE**

If a legislator wishes to be excused from meetings on a legislative day because of illness or for any legitimate reason, he or she should notify:

Senate: Party Whip

House: Majority Floor Leader or Minority Floor Leader,  
depending on the party to which the member belongs

## **MAIL**

Incoming Mail: A post office box on the first floor in the State Capitol is assigned to each legislator. The combination to the lock will be provided in each legislator's information packet on opening day.

During the Interim: All first-class mail is forwarded by the Legislative Services Division.

Outgoing Mail: Stenographers are available for assistance in typing letters. These services are detailed later in this chapter.

Items to be mailed may be deposited at:

Senate: Sergeant-at-Arms

House: Chief Clerk's office

The Sergeants' offices also have postage stamps available for purchase.

Both the House and the Senate observe a policy of "no mass mailings". Additionally, it may be a violation of state ethics laws for legislative staff, including session staff, to use their public time or use public facilities, equipment, or supplies for preparing or mailing material of a political nature.

## TELEPHONE SERVICES

The number for legislative general information is 406/444-4800.

*A Montana Legislative Directory: Fifty-Sixth Session*, compiled and published through cooperation of U.S. West and the Legislative Services Division provides complete listings of addresses and phone numbers of all legislators and staff, as well as state government agencies.

Legislative telephones are on a state telephone network (STN). All outgoing calls are recorded with the originating number, time of day, number dialed, and length of call. You will find a telephone and state government directory with STN instructions in every committee room. Joint Rule 10-70 provides:

Long distance telephone calls made by a member while the Legislature is in session or the member is in travel status are considered official legislative business. These include, but are not limited to, calls made to constituencies, places of business, and family members.

While not formally included in the Rules, a legislator should be circumspect in using a telephone modem for Internet or other use. The philosophy underpinning the use of telephones, generally, would likely apply to the use of telephone modems for Internet access as well.

# **SECRETARY OF THE SENATE — CHIEF CLERK OF THE HOUSE**

The Secretary of the Senate and the Chief Clerk of the House are the main administrative officers of the two houses. Many of the temporary session staff answer directly to these officers who supervise the hiring and day-to-day functions of the staff and who are present on the rostrum during the daily sessions. During a session, the Secretary of the Senate and the Chief Clerk of the House keep all the records of the respective houses and are responsible for the daily journals, histories of each bill, preparation of the daily calendar, etc. They are the experts on the status and flow of all legislation and the work of all the rostrum employees.

## **HIRING OF TEMPORARY SESSION STAFF**

The Legislative Administration Committee of each house, upon recommendation of the Chief Clerk of the House and the Secretary of the Senate, hires the temporary session staff, such as reading clerks, journal clerks, bills clerks, doorpersons, amendments coordinators, bills coordinators, supply officers, status input technicians, sergeants-at-arms, and secretary/stenographers. Application forms for these positions are available from the Legislative Services Division, whose only function in this regard is to collect the applications for the Legislative Administration Committees. Often, experienced people are rehired to fill a position they filled in a previous session. It is not unusual to have nearly a hundred applications for each available position. Because experienced secretaries are scarce, a qualified secretarial applicant who has the skills required for legislative work has an excellent chance of being hired.

The Legislative Services Division hires temporary proofreaders, data entry operators, bills distribution clerks, and Legislative Information Office staff. Legal and research staff of the Legislative Services Division and Legislative Fiscal Division serve as permanent, professional staff to the Legislature, so there are rarely professional staff openings on a temporary basis during the session.

See CHAPTER VII for information on assignment of legislative interns and aides.

## **LEGISLATIVE PAGES**

The services of legislative pages are available for every legislator. There is a "page call" button on each desk. Pushing this button lights up your desk number on the page board on the front row of desks in the chambers to indicate your need of a page.

Pages may be used to deliver or pick up mail at the Capitol post office, at state agencies, or from officials located in the Capitol; to deliver notes and messages to other legislators; or when a legislator is busy in the chambers, to get a cup of coffee or a snack.

**How Pages Are Hired:** Applications for appointment as pages are available at the office of the Chief Clerk of the House or the Secretary of the Senate after the pre-session caucuses. A page is usually a junior or a senior in high school and is sponsored by a legislator to serve for one week: Monday through Saturday. Pages are hired by the Legislative Administration Committees.

## **STATIONERY**

Official legislative stationery and envelopes are printed by the Publications and Graphics Division of the Department of Administration. Each legislator is entitled to 500 letterheads and 500 envelopes to begin the session. Legislators will order their first box of stationery through the Sergeants-at-Arms' offices.

## **OFFICE SUPPLIES**

Office supplies are available from:

Senate: Sergeant-at-Arms' office

House: Supply clerk, Sergeant-at-Arms' office

Supplies that are not on hand may be ordered through the Sergeant-at-Arms of the Senate or the supply clerk of the House.

## **TYPING AND COPYING**

Both the House and Senate have word processing centers with qualified staff. Copying machines are available for use by each chamber. Legislators should use the copy machines assigned to their chamber and not those of the other chamber, the Legislative Services Division, or any other state agency. For jobs of more than 100 copies, the Chief Clerk's or the Secretary of the Senate's staff will have copies made in the Capitol Copy Center in the Capitol basement. Per copy costs of large print orders—usually more than 100 copies—are reduced when done in the Capitol Copy Center.

Typing and copying should be restricted to legitimate legislative business. The use of these services or equipment for political or private business may violate ethics laws and subjects legislators and the Legislature to public criticism, perhaps even shame.

## **STENOGRAPHIC SERVICES**

Stenographers and typists are available to all legislators for dictation and typing of letters, news releases, etc. It may be possible for members to check out dictation equipment from the stenographic pool; check with staff in the Sergeant-at-Arms office.

## **BILL DISTRIBUTION**

The new legislator may initially be overwhelmed by the mountain of paper, including bills, reports, budgets, recommendations, and other documents that cover his or her desk when the session opens. As the session advances, that paper mountain will probably grow.

Printed bills and resolutions are the grist on which the lawmaking mill grinds. Accompanied by the amendments that punctuate their movement through the legislative process, prompt production and immediate distribution of these documents are essential to the orderly progression of work.

Each day members receive an agenda packet with a daily agenda and copies of all bills on second and third reading for that day. Additional copies of all bills are available upon request to the Bills Distribution Clerk or the House or Senate Bills Distribution office.

Information on supplying bills to constituents is provided in CHAPTER VIII -- SERVICES TO CONSTITUENTS.

## **BILL STATUS INQUIRY SYSTEM--“LAWS” ON THE INTERNET**

The Internet interface to the LAWS (Legislative Automated Workflow System) system described under “ONLINE SERVICES” in Chapter VIII will offer instant information to legislators and the legislative staff on bill draft status, introduced bill status, committee scheduling, and other essential elements of the lawmaking process.

Training for legislators and staff, individually or in small groups, in the use of the system is provided by the Legislative Services Division staff. A half-hour training session prior to or early in the session will enable legislators to obtain useful information over the course of the session. The Internet inquiry system features screens containing instructions to guide users to the information needed. A printed instruction manual is also available.

Ten input computer terminals—located in various Legislative Branch offices, on the House and Senate floors, and in the offices of the Chief Clerk of the House and the Secretary of the Senate—are staffed by trained operators. These operators enter actions and other information on bill drafts and bills almost immediately after they occur so that timely information is accessible to users of the LAWS Internet system.

Access to this inquiry system is available to legislators and to the public at the Legislative Information Office where staff will assist in providing information.

Another method of access to legislative information is through the computer terminals located on the third and fourth floors of the Capitol.

These unstaffed terminals operate for legislators and the public almost 24 hours a day.

A simple touch on the keyboard of an access terminal calls up to the screen before the user any one of 12 displays of information as fresh as the last keystroke by the input operator. Bill sponsors, committee meetings, floor actions, and other relevant details go into the system as soon as reported to the input operators.

Two of the screens that are subject to immediate call-up are:

### LOOK UP BILL INFORMATION Screen

View Detailed Bill Information for a Specific:

- Bill Number
- Bill Draft (LC) Number

Basic Searching for Bills by...

- Subject
- Primary Sponsor

### ADVANCED BILL SEARCH Screen

This screen allows the user to create a status report consisting of bills/drafts which meet the user's own criteria. The user can "mix or match" criteria by selecting from the following options:

- One or more bill draft requesters
- One or more requesting agencies
- One or more primary sponsors
- One or more drafters
- One or more specific subjects
- Bills currently in a specific committee
- Bills currently in a specific status

Complete instructions for use of the information screens are provided in user handbooks developed by the Legislative Services Division staff



and focused directly on answering questions arising from legislators, legislative staff, and the public.

## **COMPENSATION — BENEFITS**

During the 1999 session, each legislator will receive a daily (seven days a week) amount for expenses (which amount is to be calculated by the Department of Administration prior to December 15 of each even-numbered year). Each legislator also receives \$59.67 a day (for each legislative day) for compensation. For participation in interim activities, a legislator is entitled to the daily compensation of \$59.67 plus mileage and expenses as provided in 2-18-501 through 2-18-503, MCA. Although the Legislature provides by law for the compensation and allowances for members, a Legislature may not fix its own compensation. A compensation rate set by the 1999 Legislature will not be effective until the 2001 Legislature is seated. Section 5-2-301, MCA, provides that a legislator is entitled to compensation at the daily rate of a grade 8 classified state employee at entry level in effect when the regular session is convened.

The payroll is prepared by the financial services staff of the Legislative Services Division. Each legislator's payroll warrant is delivered to his or her Capitol Station post office box every other Wednesday on the same schedule as state employees' warrants. Alternatively, a legislator may elect electronic deposit of payroll into an account with a qualified financial institution. Expense warrants are distributed each Wednesday to each legislator's Capitol Station post office box.

The following deductions will or may be made from a legislator's checks:

- (1) Social Security (including Medicare) deductions at the rate of 7.65% of the gross salary;
- (2) income tax withholdings, both state and federal, in accordance with the exemptions claimed on the member's W-4 form;

- (3) Public Employees' Retirement System (PERS) contributions at the rate of 6.8% from the checks of those members electing to have retirement deductions;
- (4) deferred compensation plan deferrals if you voluntarily elect to defer a portion of your income.

Sick leave and annual leave benefits do not apply to elected officials.

### Legislator's Deduction of Per Diem Living Expenses

Federal income tax provisions allow legislators the benefit of a deduction for living expenses. Under Internal Revenue Code section 162(h), legislators who live more than 50 miles from the Capitol may deduct the federal per diem rate per legislative day for living expenses without having to stay overnight (the legislator is considered to have stayed overnight) away from home and without keeping substantiating records (the legislator is considered to have expended the federal per diem amount). Appendix A of 41 Code of Federal Regulations, chapter 301, sets the federal per diem rate at \$80 for Montana.

A legislative day, for the purposes of this law, encompasses attendance at legislative interim hearings and meetings as well as participation while the Legislature is in session. If formally recorded as attending an interim committee meeting, even if not a member of the interim committee, a legislator may claim expenses for attending it.

A memorandum that details the federal provision and provides necessary dates and amounts that a legislator's tax advisor must have to complete the legislator's federal income tax return may be obtained from the Legislative Services Division.

### Retirement

Membership in the Public Employees' Retirement System (PERS) is optional for each elected official. If you do not elect membership at the beginning of your term, you retain the right to retroactively pick up all or part of your elected service at any time prior to the end of your final term

of office (or at any other time you are employed by a covered PERS employer). However, once you make the election to participate in the PERS, you may not terminate participation until you are no longer in the Legislature or employed in any position covered by the PERS.

The basic retirement formula is presently  $\frac{1}{56}$ th of final compensation (the average of the three highest years' salary) times the number of years' service. (A legislator's salary is calculated on the annualized basis of \$15,515 a year—Grade 8, entry.) A member may decide to refrain from contributing until he or she has served for five years or more and is eligible for a vested membership in the system. However, waiting to qualify service at a later date will require the member to pay all accrued principal and interest.

Normal retirement is granted at 60 years of age with at least five years of service or at any age with at least 30 years of service. Early retirement is an option at 50 years of age with at least five years of service or at 25 years or more of service. At 65 years of age or older, PERS members are eligible for normal retirement, regardless of the number of years of service. Early retirement benefits may begin sooner, but the benefit is actuarially reduced.

Membership service includes not only legislative service but also service with any agency covered by the PERS and other service purchased under applicable statutes. (Such other service may include military service, service out of state, "one-for-five", etc.)

Employee contributions are refundable with accumulated interest for any member not qualifying for retirement benefits.

In addition to the regular retirement benefits, there are provisions for benefits in case of disability or death. Depending on a member's personal circumstances, membership may significantly mitigate the financial effects of a death or disability and ought to be seriously considered for this reason alone.

If you have any questions concerning the Public Employees' Retirement System, please contact the Administrator, 1712 Ninth Avenue, phone 444-3154.

### Group Insurance Benefits

Members of the Legislature are eligible for state employee insurance benefits. Eligibility for newly elected officials begins on the date that the oath of office is taken or on the date that the term begins, whichever is earlier.

Legislators may:

(1) enroll in state insurance benefits and have the monthly state contribution applied to those benefits; or

(2) waive state insurance benefits and either waive the state contribution or have it apply toward out-of-pocket costs for other health insurance benefits. (Only the portion of the state's monthly contribution needed to cover actual out-of-pocket costs for other insurance coverage may be applied.)

Due to the several variations of medical, dental, and life insurance coverage available, legislators may want to refer to the State of Montana Employee Benefits Plan, a publication of the Department of Administration that is available from the Department or from the Legislative Services Division, Financial Services staff.

To enroll in the state insurance plan, a legislator must complete and sign an enrollment form to indicate the coverage desired. If state insurance coverage is waived and the state contribution applied to other insurance, "an alternate health insurance election" form must be completed. These forms will be available at the pre-session legislative caucus. Any returning legislator who wants to make allowable midyear changes should contact Tina Petersen of the Legislative Services Division, Financial Services Office, Room 32, State Capitol, or by calling 444-9542.

Additional information may be obtained through the Department of Administration, State Personnel Division, Room 130, Sam W. Mitchell Building, Helena, MT, or by calling 444-3871.

### Deferred Compensation Plan

The State of Montana Deferred Compensation Plan is a voluntary supplemental retirement program available only through payroll deduction for any state employee, including legislators. The Plan allows employees to defer as little as \$10 a month or up to 33 1/3% of includable compensation (approximately 23 1/2% of gross income) or \$8,000 annually, whichever is less. The amount deferred is pretax; therefore, on average, about 21 cents in state and federal taxes is "deferred" for each dollar invested. For example, if \$50 is deferred each paycheck, the difference in net take-home pay would be approximately \$39.50.

Enrollment in the Plan can start any time. There is no specific time or period during which an employee becomes eligible or must enroll, except the Plan is only available through payroll deduction and, therefore, during the periods in which paychecks are received through the central payroll system. The sooner deferrals start, the larger the account will be at retirement or termination.

Because the program is a tax-deferred, supplemental retirement program, funds may be withdrawn only upon termination of employment—regardless of age—or upon an unforeseeable emergency that meets IRS criteria and is approved by the Plan. A federal and state tax liability will exist on any funds received for the year in which they were deferred.

For further information and complete details of the Plan, please contact BenefitsCorp at 449-2408 or 1-800-981-2786 or on the Internet at [www.Benefitscorp.com](http://www.Benefitscorp.com).

### Travel Funds

The Legislature as an entity usually does not appropriate itself travel funds other than the statutorily authorized round trips to and from a

session. However, there is an appropriation to each house for the biennium that is intended to provide funds for travel approved by the leadership.

The appropriation for leadership-approved travel is in addition to money available, if any, to designated legislators for attendance at meetings of permanent legislative committees, legislative study committees, and other special committees or to the National Conference of State Legislatures, the Council of State Governments, or other interstate organizations.

Although the appropriation is intended to pay costs of travel required to fulfill the responsibilities of legislative leaders, other legislators may request payment from this fund for costs of travel to meetings or activities that are beneficial to the state. The merit of the meeting or activity is determined by the appropriate leader. Prior approval from leadership is necessary for reimbursement to be paid from these funds.

# **CHAPTER III**

## **LEGISLATIVE PROCEDURES**

### **FIRST DAY**

The law provides that each regular session of the Legislature begins at 12 noon on the first Monday of January (except when January 1 falls on a Monday, the session will begin on the first Wednesday). Representatives report to the House Chambers, and Senators report to the Senate Chambers.

The leaders of each house assign members' seats prior to the opening of the session. Leadership seats are in the same location each session, and some veteran members retain their seats from session to session. Efforts are made to accommodate the nonconflicting seating preferences of individual members. On the first day in each of the chambers, a seating chart is posted showing assignments. A Sergeant-at-Arms will help members find their desks.

The first day's session is called to order by the senior member present in the Senate and by the Secretary of State in the House. Roll is called, the constitutional oath of office is administered, usually by a Supreme Court Justice, and officers are officially elected. Some committee reports will be read, such as from the Committee on Legislative Administration concerning the employees hired for the session. Additionally, the first reading and commitment of all preintroduced and other introduced bills will also be accomplished on the first day. However, the first day's session will probably last only about one or two hours. (See DRAFTING AND INTRODUCTION OF BILLS later in this chapter for information on how to preintroduce a bill that will be ready for consideration on the first day.)

### **AGENDA ITEMS**

The business of each house is conducted in conformance with procedures established in the Joint Rules and the rules of each house. The rules provide for the order of business, motions, resolutions, drafting and



introduction of bills, referral and reporting of bills, second and third readings, transmittal dates, and consent calendar.

## ORDER OF BUSINESS

The agenda followed by each house during each business day is called the Order of Business. After the opening prayer, pledge of allegiance, roll call, and report on the journal, the Senate and House normally proceed through their business in this progression, although there may be nothing to discuss on any particular day under one or more of the Orders of Business. Any digression from the established order is announced in advance and is subject to approval of the body.

The 12 Orders of Business in the Senate, with notes on differences in the House, are:

No. 1 - Communications and Petitions. Various types of communications may be read to the legislative body.

No motions are acceptable.

No. 2 - Reports of Standing Committees. Reports are read from the rostrum. Legislators do not receive an actual copy in the originating house, but amendments are printed in full in the daily journal. After a favorable vote, an amended version of the bill is printed.

Generally, no motion is acceptable except some privileged motions, such as to adjourn, for a roll call vote, for a call of the house, or for some other incidental motion; however, by established practice these motions are not generally made.

No debate is had unless a minority committee report has been submitted. A member seeking to challenge the action on the adoption of a favorable or an adverse committee report may do so on Order of Business No. 6 (Order of Business No. 9 in the House) by a motion to reconsider and need not have voted on the prevailing side.



No. 3 - Reports of Select Committees. A conference committee is an example. If the Senate or the House amends a bill passed by the originating house and the originating house then refuses to accept the changes, a conference committee is appointed from each house to resolve the difference. A "conference committee" must confine itself to accepting or rejecting each disputed amendment in its entirety. A "free conference committee" may discuss a bill in its entirety.

No motion is acceptable. Any motion relating to business under this order of business is considered under Order of Business No. 6 (Order of Business No. 9 in the House).

No. 4 - Messages From the Governor. The full text of this material is printed in the daily journal.

No motion is acceptable. Any motion relating to business under this order of business is considered under Order of Business No. 6 (Order of Business No. 9 in the House).

No. 5 - Messages From the Other House. These messages may request that a bill be returned, advise that bills are being transmitted for concurrence, or convey other information.

No motion is acceptable. Any motion relating to business under this order of business is considered under Order of Business No. 6 (Order of Business No. 9 in the House).

(Senate Orders of Business Nos. 4 and 5 are reversed in the House.)

No. 6 - Motions. (Order of Business No. 9 in the House) Any motion is in order under this item of business, but only a few have been used as established practice. These arise out of the work of the body of a general procedural nature and are temporary in purpose. Some main motions are of substantive nature relating to final disposition of a measure.

Privileged Motions: to adjourn; call of the house in absence of a quorum; to recess; question of privilege; call of the house when a quorum is present

Incidental Motions: appeal; parliamentary inquiry; suspension of the rules for immediate purpose; roll call vote; division of question

Subsidiary Motions: to lay on the table; previous question (immediate vote); postpone to a day certain; close, limit or extend limit of debate; to refer; to rise, to rise and report, to rise and report progress and ask leave to sit again; pass consideration (takes this order of preference in Committee of the Whole); amend; indefinitely postpone (opens main question to debate)

Main Motions: to pass, adopt, or concur; to reject passage, adoption, or concurrence; to appoint

Incidental Main Motions: (in order under proper order of business when no question is before the body) to reconsider; to take from table; to pass consideration for the day; to place business on the calendar; to change order of business on the calendar; to suspend rules temporarily (with reference to business not immediately pending)

No. 7 - First Reading and Commitment of Bills. (Order of Business No. 6 in the House) "Posting" has taken the place of "reading" bills to save time.

No motion is in order except on the first legislative day the chief sponsor of a preintroduced bill may move to add names of cosponsors.

No. 8 - Second Reading of Bills (Committee of the Whole). (Order of Business No. 7 in the House) Floor debate on a bill occurs at this time. Amendments may be offered but should be previously typed, signed, and presented at the office of the Secretary of the Senate or

the Chief Clerk of the House. The second reading copy of the bill (yellow) has standing committee amendments incorporated into the introduced version.

Motions that are acceptable in descending order of precedence are:

- (1) to rise;
- (2) to rise and report;
- (3) to rise and report and ask leave to sit again;
- (4) to pass consideration;
- (5) to amend;
- (6) to indefinitely postpone; and
- (7) to recommend passage or concurrence.

(Prior to adoption of the Committee of the Whole report, a member may move that a bill be segregated from the report and left on second reading for further consideration.)

No. 9 - Third Reading of Bills. (Order of Business No. 8 in the House) In the house of origin, the third reading (engrossed) bill (blue) contains all amendments. No debate is permitted. In the second house, a third reading bill (salmon) is called a "reference bill" and is the text of the engrossed bill plus amendments made by the second house. If "concurred in as amended", this version of the bill is transmitted to the originating house for concurrence in amendments.

The only motion allowed is to rerefer the bill to the Committee of the Whole or to a standing committee.

No. 10 - Unfinished Business. This order of business is rarely used in the Senate; in the House this order of business includes appointments to conference committees and similar matters.

No. 11 - Special Orders of the Day. Confirmations of Governor's appointees, memorial services, etc., are handled under this item of business.

No. 12 - Announcement of Committee Meetings. Committee chairmen announce meetings. Adjournment may occur.

To revert to or pass to a new Order of Business requires only a majority vote. When reconvening after a recess, unless otherwise specified in the motion to recess, the house involved reverts to Order of Business No. 1.

## **MOTIONS**

During debate of any question, no motion may be made except the following privileged and subsidiary motions, which have precedence in the order listed:

- (1) to adjourn;
- (2) for a call of the house;
- (3) to recess;
- (4) question of privilege;
- (5) to lay on the table;
- (6) for the previous question;
- (7) to postpone to a certain day;
- (8) to refer or commit;

(9) to amend;

(10) to postpone indefinitely.

A bill or resolution that is postponed indefinitely is finally rejected and may not be acted upon again during the biennium unless a member moves to reconsider the question either on the day the vote was taken or on the next day the house in which the action was taken is in session. A motion to recall a bill from the other house constitutes a notice to reconsider. If a motion to reconsider is laid on the table, a two-thirds majority is required to take it from the table. Failure of a motion to reconsider finally and conclusively settles the question.

Adoption of a motion for the previous question closes debate immediately and brings to a vote the main question and the adhering subsidiary motions. If the previous question is ordered on a debatable question that has not been debated, the question may be debated for one-half hour, one-half of the allotted time to be given to the proponents and one-half to the opponents.

Nondebatable motions are:

(1) to adjourn;

(2) for a call of the house;

(3) to recess;

(4) for parliamentary inquiry;

(5) to suspend the rules;

(6) to lay on the table;

(7) for the previous question;

(8) to limit, extend the limits of, or to close debate;

(9) to amend an undebatable motion;

(10) to divide a question;

(11) to pass business in Committee of the Whole;

(12) to take from the table;

(13) a decision of the presiding officer, unless appealed or unless he or she submits the question to the house for advice or decision; and

(14) incidental motions, such as motions relating to voting or other questions of a general procedural nature.

A question may be divided if it includes two or more propositions so distinct in substance that if one thing is taken away a substantive question will remain.

No more than one amendment and no more than one substitute motion may be made.

## RESOLUTIONS

Resolutions, which may be introduced in either house, are divided into two categories:

(1) A simple resolution is a formalized motion passed by one house. It is used to adopt or amend the rules of one house, to make recommendations on the districting and apportionment plan, or to regulate the internal affairs of the house adopting it. A simple resolution does not require three readings or a roll call vote.

(2) A joint resolution must be adopted by both houses but is not subject to approval by the Governor. It may be used to:

(a) express a desire, opinion, sympathy, or request of the Legislature;

(b) request, but not require, a legislative entity to conduct an interim study;

(c) adopt, amend, or repeal the Joint Rules;

(d) set salaries or other employment terms for legislative employees;

(e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;

(f) deal with disasters and emergencies under Title 10, specifically as provided in sections 10-3-302(3), 10-3-303(3), 10-3-303(4), 10-3-505(5), MCA;

(g) submit a negotiated settlement under section 39-31-305(3), MCA;

(h) declare or terminate an energy emergency under section 90-4-310, MCA;

(i) ratify or propose amendments to the United States Constitution;  
or

(j) advise or request the repeal, amendment, or adoption of a rule in the Administrative Rules of Montana (ARM).

The Legislative Council has proposed a rule restricting the use of joint resolution for recognizing an individual or group achievement.

## **BASICS OF BILLS**

There are some relatively simple conventions that help to identify or clarify what is happening with the changes in proposed in a bill.

Underlined material. Underlined material indicates one of two things: (1) the new, underlined wording is to be included in an existing section of law; or (2) the underlined language has been added by amendment to the bill after introduction. In the second case, the language underlined should also be in all capital letters.

NEW SECTION. An exception to the note about underlined material, above, is a body of language that is wholly new, proposed to become a new section of the Montana Code Annotated. Where this occurs, the body of new material will be identified by the capitalized and underlined words, "NEW SECTION", all in capital letters. Although all of the language contained in the "NEW SECTION" is new statutory language, it will not be underlined when identified in this manner.

Stricken material. Material that has a line through it is referred to as "stricken" and appears as ~~stricken~~. Stricken material usually indicates that the stricken language is eliminated altogether, but it may indicate that the language is only eliminated from its current location and relocated elsewhere in the bill, or eliminated as written but rephrased elsewhere.

Bracketed material. Within bills it is common to see sentences with bracketed words, "[Section 4]" or "[section 9]", etc. When the word "section" appears in square brackets and is followed by any number, the reference is to the numbered section of the bill. For example, "[section 1]" refers to the first section of the bill, "[section 2]" to the second section, and so on.

Other conventions. Every bill is broken into "sections". A section, as used here, refers to a separate and specific part of existing law, i.e., the Montana Code Annotated, or to wholly new language that, when passed and approved, will become a separate and specific component of the MCA. Sections of the MCA, e.g. 5-2-301, MCA, are the fundamental building blocks of the MCA, where: MCA "sections" make up MCA "parts"; MCA "parts" make up MCA "chapters"; and MCA "chapters" make up MCA "titles". To place a particular segment of law into some context, e.g. 5-2-301, the first number, "5", refers to the MCA Title, the second number, "2", refers to the Chapter (within the referenced Title), and the final group of numbers, "301", refers to a specific Section of the MCA. (The first digit--"3" in this example--in a three-digit group refers to the "Part" (within the Chapter--"2" in this example--within the Title--"5" in this example). If the final group of numbers has four digits, the first two digits reference the "part" in which the specific section will be found.)



To legislate effectively, it is essential to be able to read and understand bills, skills that become honed over time and with experience. The *Bill Drafting Manual 1998*, a publication of the Legislative Services Division, contains a wealth of information about the various components of bills, drafting conventions, and so forth, but is written primarily for the technical drafters of bills. A copy of the *Manual* may be obtained at the Legislative Services Division.

## **BILL DRAFTING AND INTRODUCTION**

After a written request by a member of the Senate or the House is received by the Legislative Services Division, a Legislative Services Division staff attorney, research analyst or environmental analyst is assigned to draft the bill. A legislator other than the requestor may sponsor the bill when introduced. Predrafted bills submitted by a legislator are reviewed by Legislative Services Division staff to assure conformance with standards of format and style, and for legality.

Before 5 p.m. on December 5 preceding a regular session, the number of bills a legislator may request and preintroduce is unrestricted. After 5 p.m. on December 5, each legislator is limited to seven bill requests, only two of which may be requested after the Legislature convenes, which is noon on January 4, 1999 for the 56th Legislature..

Excepted from the five-bill limitation are Code Commissioner bills, standing committee bills or resolutions, or bills or resolutions requested by newly elected state officials.

Also, to facilitate the preparation of bills proposed by any elected official of the Executive Branch, prior to November 1 preceding a regular session, staff may accept requests approved by those officers as requests of the Legislative Council. A Legislative Council request processed under this rule must be pre-introduced. A request made under these provisions but not preintroduced must be canceled by the Legislative Services Division staff.

Typically, requests for legislation and materials relevant to the request that is in the possession of the Legislative Services Division is

public information and open to inspection. These requests are referred to as "staff drafts". However, a legislator may designate a request as a "legislator draft".

To be categorized as a "legislator draft", the legislator must designate the request as such upon submission to the Legislative Services Division. (A bill not designated as a legislator draft at the time it is requested is categorized as a staff draft.) For a legislator draft, the requesting legislator is responsible to deliver the text of a draft to the Legislative Services Division in printed form and as a file on a computer diskette in a manner that conforms to the current style required by the *Bill Drafting Manual* published by the Legislative Services Division no later than the 20th legislative day of a regular legislative session. A legislator draft not delivered to the Legislative Services Division by the deadline must be canceled. (A legislator draft found by Legislative Services Division staff not to meet the current style requirements of the *Bill Drafting Manual* is regarded as not having been delivered and must be canceled.) The executive director or legal services director of the Legislative Services Division shall notify a legislator immediately of a reclassification, including cancellation, of a draft under this rule.

After preparation or review by an attorney or research analyst of the Legislative Services Division staff, which includes a legal review, editing, and proofreading, bills are stored in a sophisticated, large-capacity word processing system, printed, and delivered in duplicate to the requestor. The original bill cover is stamped and signed to verify Legislative Services Division review; without that verification the bill may not be introduced.

Prior to the opening of the session, bills may be preintroduced, numbered, and reproduced by the staff of the Legislative Services Division. All preintroduced bills are available to the public.

During the session, a bill is introduced when the sponsor endorses it with his or her name and both the original and the duplicate copy are presented to the Chief Clerk of the House or the Secretary of the Senate. Bills or joint resolutions may be sponsored jointly by Senate and House members with introduction in the house in which the legislator whose

name appears first on the bill is a member. The chief joint sponsor's name appears immediately after the first chief sponsor's name. Once introduced, the bill may not be withdrawn nor may the chief sponsor's name be removed. (At this writing, legislative leadership are considering disallowing any co-sponsor's name to be removed from an introduced bill as well.)

Bills, joint resolutions, and simple resolutions are numbered consecutively in the order of their filing in separate series in each house.

A bill proposed by a legislative committee or introduced by request of an administrative or executive agency or department is designated, following the names of the sponsors, "By Request of the . . . (name of agency or committee)".

Submission of drafting requests are subject to the following schedule under the Joint Rules of the 55th Legislature:

	Request Deadline: <u>by 5 p.m. on Legislative Day</u>
General bills and resolutions	10
Revenue bills	17
Committee bills and resolutions	36
Committee revenue bills	62
Committee bills implementing provisions of the general appropriation act	75
Interim study resolutions	75
Appropriation bills	No deadline
Resolutions to express confirmation of appointments	No deadline

Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules

No deadline

All bills and resolutions must be introduced within two legislative days after delivery.

Approval by the Rules Committee is necessary for introduction or reception of a bill in a house after that house has rejected during that session a bill intended to accomplish the same purpose. Failure to override a veto does not constitute final rejection.

In the Senate, introduction of a standing committee bill requires consent of at least three-fourths of the members of the committee, and in the House, the consent of two-thirds of the members of the committee is required.

## **FIRST READING, REFERRAL**

After introduction, a bill is required to be publicly posted by a listing of its title in the house of origin and by a summary of its title and by its history in the second house, along with an announcement of the committee to which it has been assigned. That posting serves as the first reading of the bill.

A bill may not be considered or enacted without referral to and return from a committee. The presiding officer refers each bill to a committee after introduction. In the Senate, a bill may be rereferred at any time before its passage, and in the House, it may be rereferred by a vote of not less than three-fifths of the members present and voting. A hearing by the committee is not required, but custom provides that each bill be subject to a hearing. Advance notice of a hearing is not required, but three days advance announcement is customary.

## **SECOND READING, COMMITTEE OF THE WHOLE**

All bills and resolutions reported from committee and accepted by the house concerned, except consent calendar bills, are posted on the calendar for consideration by the Committee of the Whole on second reading (debate stage). The Committee of the Whole is presided over by another legislator appointed by the Speaker or the President.

A member may move to segregate a bill prior to the adoption of the Committee of the Whole report and after debate, and if the motion prevails, the bill remains on second reading. If a Committee of the Whole report on a bill is rejected, the bill remains on second reading.

In the Committee of the Whole, no senator may speak more than twice and no representative may speak more than once and for no more than five minutes. However, in each house, the sponsor of the bill or motion may also speak in closing.

## **THIRD READING**

Except on the last legislative day, the rules require that at least one day must intervene between any two of the required three readings of a bill. Since amendment of a bill is not permitted at this stage, changing a bill after it has reached third reading requires that it be returned to second reading for purposes of amendment. The vote on third reading determines a bill's passage or rejection and, on certain types of bills, whether it meets the requirement for more than a majority vote.

## **TRANSMITTAL DATES**

The Joint Rules of the 55th Legislature allow the receiving house to decline to consider any bill, except appropriation or revenue bills or amendments considered by joint committees, transmitted from the house of origin after the 45th legislative day.

In addition to the general transmittal deadline on the 45th legislative day, there are also specific deadlines for the transmittal of appropriation and revenue bills, amendments to bills from the second house back to the

first house, amendments to appropriation and revenue bills, and so on. (For general informational purposes, a "revenue bill" is one that would either increase or decrease revenue.) Because these transmittal deadlines are traditionally negotiated for each legislative session, it is best to consult the current *Rules of the Montana Legislature*, or the presiding officer of the Rules Committee.

In any of the situations noted above, the receiving house may by a vote of two-thirds of its members accept for consideration a bill, including an amended bill, transmitted after the deadline.

Immune from transmittal deadlines are bills repealing or directing the amendment or adoption of administrative rules, and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules.

## CONSENT CALENDAR

A device to reduce the congestion of measures on the floors of the houses and to speed the flow of legislative business is the consent calendar under which noncontroversial bills and simple and joint resolutions qualifying are processed according to these provisions:

(1) The legislation must be unanimously recommended "do pass" or "do pass as amended" by the members of the standing committee in attendance. A motion must be made and passed unanimously to place the legislation on the consent calendar and must be noted in the committee report. Appropriation or revenue bills are not eligible for the consent calendar.

(2) The legislation bypasses second reading, is reproduced as a third reading version, and is marked "consent calendar".

(3) After immediate posting on the consent calendar, the legislation is considered on the next legislative day under Order of Business No. 11, Special Orders of the Day, when a "reasonable time" is allowed for questions and answers upon request. No debate is allowed.

(4) If three members object in writing, the legislation is removed from the consent calendar and added to the regular second reading board.

(5) Consent calendar legislation is voted on individually following third reading with the roll call vote regarded as final.

## **EFFECTIVE DATES**

Unless a different time is prescribed therein, effective dates of legislation are:

(1) statutes other than appropriation or revenue bills — October 1 following passage and approval;

(2) appropriation bills — July 1 following passage and approval;

(3) revenue bills (increasing or decreasing taxes or fees) — January 1 following passage and approval;

(4) joint resolutions — on passage.

## **JOURNALS**

The House and Senate Journals provide a record of all actions taken on introduced bills and resolutions. The journals are printed daily during the session, and they set forth the text of communications between houses, committee reports, transmittal correspondence to and from the executive, and votes on motions, amendments, and bills.

An initial draft of the daily journal is prepared and checked for correctness prior to the business of the house convening on the following legislative day. Subsequent to the preparation of the clean draft, members may review the draft journal. If a member requests a change that will improve the accuracy of the journal, the President or Speaker may direct incorporation of the change. Following incorporation of any changes in the initial draft, a final draft is proofed for accuracy and prepared for the presiding officer's signature. Once signed by the presiding officer, the journal is final and unchangeable. The Journal is then sent to printing for

paper reproduction and also published on-line. This process requires approximately 10 days before the journal is published.

If a subsequent discovery of error in the journal occurs, the error may be corrected only on adoption of a motion with the correction noted on a subsequent journal.

The journals are not verbatim and do not contain a transcript of debate in the Committees of the Whole.

After session, the daily journals are published electronically on CD-ROM by the Legislative Services Division. The electronic version contains search software that allows the user to search the journals in a wide variety of ways. The CD-ROM of the Journals is available on the World Wide Web.

If a legislator wishes to have a complete printed copy of the journal for the session, he or she should compile the journals on a daily basis as a compilation of the printed daily copies is not published. The *History and Final Status*, another document published by the Legislative Services Division following the session, may be used as an index to readily assist a person in finding the legislative day on which an action is recorded for a particular bill.



## CHAPTER IV

### LEGISLATIVE PUBLICATIONS

#### SESSION LAWS

Immediately following signing by the Governor of a bill previously approved by both houses, it is filed with the Secretary of State, who assigns to each act a chapter number according to the chronological sequence of the reception by the Secretary of State's office, except resolutions, which continue to be cited by the number assigned by the House or the Senate at the time of introduction.

Publication of all the permanent laws, appropriations, and resolutions from a session of the Legislature is arranged as soon as possible by the Legislative Services Division in a set of volumes known generically as the "session laws" and formally under the appropriate title as *Laws of Montana, ## Legislature 19##*.

The session laws contain tables of *Montana Code Annotated* sections affected and previously uncodified laws affected, cross-references of bills and chapter numbers, tables of effective dates, and tables showing where each section of each act has been placed in the Code.

#### MONTANA CODE ANNOTATED — STATUTE TEXT

"Prima facie the official laws of Montana" is the *Montana Code Annotated* (MCA), which is an orderly and logical arrangement of all the laws enacted by territorial and state legislatures that have not been repealed or superseded, with the exception of certain nongeneral, nonpermanent statutes, such as severability, construction, validating, repealing, or similar provisions that do not require codification.

First adopted by the 1979 Legislature, the recodified laws known as the MCA continued but replaced the *Revised Codes of Montana, 1947*, which in turn had succeeded the codifications of 1935, 1921, and 1907.

Accompanying each MCA section are its statutory history, editorial notes, cross-references, and other relevant material.

The Code Commissioner, a statutory office within the Legislative Services Division, compiles the newly enacted laws within the framework of the MCA. Each new law is inserted within the existing statutes in a location where it is associated with other laws pertaining to similar subjects or where its substantive provisions are complemented or effectuated through interrelationship with definitions or references within that Title, chapter, or part.

If the new law deals with a subject not previously contemplated in the statutes, a completely new Title, chapter, or part may be added.

If a bill is enacted to change existing law, pertinent sections in the MCA must be amended to conform with the amendments.

A supplement to the MCA in 13 volumes in separate and accompanying looseleaf binders is the *Montana Code Annotated Annotations*, arranged in separate removable booklets, each containing an individual Title. The Annotations contain references to administrative rules, summaries of Supreme Court decisions and Attorney General's opinions, law review articles relating to the Code, and other collateral references, such as to legal encyclopedias, model acts, and relevant publications. The Annotations include other helpful resources, such as tables of corresponding sections allowing the tracking of particular items of law from one generation of the state codes to another or from Uniform laws to Montana laws, a table of session laws showing the locations in the Code of the chapters of the session laws since 1909, a table showing the location of the pre-1973 criminal code provisions, descriptions of county boundaries, the Declaration of Independence, the United States Constitution, the Montana Constitution of 1889, and pertinent federal acts, e.g., "The Enabling Act" and "Ordinances No. 1 and No. 2".

A multi-volume index to the MCA and the Montana Constitution provides the user with a convenient reference, by subject, to all material codified. Also included are a Words and Phrases Index, a comprehensive listing of each word or phrase defined in the Code; and a Popular Name

Index, a listing by short title or popular name, with a citation to code location, of each act or group of sections having a short title or popular name.

A complete set of the MCA, upon publication after the regular session, is available to each legislator at a cost of \$10, which covers only the shipping cost. The MCA is also published on CD-ROM, and is available to each legislator at a cost of \$10. Orders may be placed with the Legislative Services Division.

## LEGISLATIVE REVIEW — FINAL STATUS

The *Legislative Review* and the *History and Final Status* are a pair of useful compendiums published by the Legislative Services Division after the adjournment of each regular session.

The *Legislative Review* publishes the title of every bill passed and approved, including each appropriation and resolution. Legislation, including appropriations, is arranged in sequence according to session law chapter number, except for resolutions, which are arranged in sequence according to bill number. Also included are tables of affected MCA sections and affected session laws, a table of session law chapters to MCA sections, a table of effective dates, and tables of bill numbers to chapter numbers and chapter numbers to bill numbers.

The *History and Final Status* details the history of each bill or resolution introduced, including committee referrals and hearing dates, the stages of its progress through the session with recorded votes, and its final disposition. Senate and House bills are segregated and arranged in sequence, matching the numbers assigned upon introduction. A table of effective dates of all acts is included.

Detailed subject indexing in both the *Legislative Review* and the *History and Final Status* provides easy reference.

The Legislative Services Division has published *Sources of Information and Publications*, a complete guide to all information resources for legislators and interested persons both during and after a legislative session. A copy may be obtained from the Legislative Services Division.



## CHAPTER V

### INTERIM ACTIVITY

The regular biennial legislative session occupies only about one-sixth of the lifespan of a Legislature. The members do not escape from legislative responsibilities, however, during the 20 months until the convening of a new Legislature. In addition to special sessions that called the entire Legislature to Helena several times in past years and may do the same in the future, numerous statutory committees, interim study committees, and national legislative research organizations have kept many members' attention and energy focused on between-sessions work. This chapter provides an overview of those interim activities.

### STUDY COMMITTEES

#### Inception of an Interim Study Subcommittee<sup>1</sup>

A study is first requested in a Joint Resolution adopted by the Legislature. Section 5-5-217, MCA, requires the Legislative Council to prepare a list of study resolutions adopted and distribute it to all the legislators for their votes on priority of study immediately after the session. Following the requirements of the same section of law, after prioritization, the Legislative Council designates the subcommittees to which studies are to be assigned, and the Speaker and the Committee on Committees then appoint members. Section 5-5-211, MCA, provides that four members of each house be appointed. No more than two members from a house may be from one political party.

#### Assignment of Staff

The Office of Research and Policy Analysis of the Legislative Services Division has primary responsibility for providing staff

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<sup>1</sup> A major initiative restructuring interim committees and activities has been instituted by the Legislative Council that will, if enacted, significantly change this section.

support to the interim subcommittees. A principal staff member is assigned to each subcommittee from among the research staff. The Legislative Services Division assigns one of the staff attorneys from the Office of Legal Services to provide legal support to the principal staffer and to the subcommittee. The Legislative Services Division is authorized by 5-11-111, MCA, to employ the services of any research agency it considers necessary to discharge its duties.

### Calling the First Meeting

Tradition and protocol have dictated that the senior senator appointed to the interim subcommittee will serve as acting presiding officer for the purpose of calling the first meeting and presiding over the selection of a permanent presiding officer. In practice, the acting presiding officer and staff work together to find a date as convenient as possible for the members and staff.

### Selecting the Presiding Officer

The selection of subcommittee officers is the first order of business for an interim subcommittee. The presiding officer and vice-presiding officer may not be members of the same political party.

### Conducting the Study

The study, its direction, content, and conclusions are those of the subcommittee rather than the staff. Staff members assist the subcommittee to accomplish the interim study purpose of pursuing assigned public policy questions so as to discover all facts relevant to the question, to discuss and evaluate those facts, and to formulate policy recommendations representing the synthesis of those facts and political judgments. It is a duty of staff to present a proposed study design and work plan to the subcommittee for its consideration at the first meeting, but it is a subcommittee responsibility to adopt a plan and a subcommittee prerogative as to what the plan contains.

## Subcommittee Budget

The number of meetings a subcommittee can hold depends on its budget. Its budget is a share of the total appropriated to the Interim Committees and Activities Program within the Legislative Services Division to support such activities. The Legislative Council considers the preliminary study and work plan for each subcommittee and allocates a budget for each accordingly.

## Submission of Final Report

At the completion of a study the staff typically prepares a final report for the subcommittee that will contain a recount of what the subcommittee found in its study, supporting documents as required, and copies of legislation recommended for adoption by the subcommittee. Sufficient copies are printed to meet the anticipated demand for distribution to the Legislature and members of the public, as well as to libraries and interstate groups.

Complete lists of the membership of the Legislature's permanent (statutory) committees and interim study committees, and an explanation of their tasks are included in the *Interim Directory of Legislative Committees*, available from the Legislative Services Division.

For members who are interested in serving on interim committees, the following is a complete listing of statutory committees whose memberships will be chosen from the 1999 legislators:

**APPOINTMENT ROSTER FOR 1999 LEGISLATURE**  
(Updated October 21, 1996)

Committee to be Appointed	Deadline for Appointment	Appointing Authority and Number of Members	See MCA Cite for Details
Environmental Quality Council	Before 50th Day <b>March 5, 1999</b> (est.)	Speaker (6) Comm. on Comms. (6) 2 public members by Speaker (2) 2 public members by Senate Pres. *See endnote on appt. of public members	5-16-101 5-16-103 5-16-104
Legislative Council	Immediately following organization of the Senate and House	Speaker ex officio House Min. Ldr. ex.of. Speaker (4) President ex officio Sen. Min. Ldr. ex.of. Comm. on Comms. (4)	5-11-101 5-11-102
Leg. Computer System Planning Council	No deadline	All ex officio, with exceptions	5-11-402
Legislative Audit Comm.	Before end of session	Speaker (6) Comm. on Comms. (6)	5-13-202
Legislative Consumer Comm.	Before 60th Day <b>March 17, 1999</b> (est.)	Speaker (2) Comm. on Comms. (2) **See endnote	5-15-101 thru 5-15-105
Administrative Code Comm.	Before 60th Day <b>March 17, 1999</b> (est.)	Speaker (4) Comm. on Comms. (4)	5-14-101 5-14-102
Revenue Oversight Comm. (ROC)	Before 90th Day	Comm. on Comms. in consultation with Chair of Sen. Tax & Minority Leader (6) Speaker in consultation with Chair of House Tax & Minority Leader (6)	5-18-102 5-18-103
Legislative Finance Comm.	By end of session	Chr. Sen. Finance (4) Comm. on Comms. (2) Chr. House Approp. (4) Speaker (2)	5-12-202 5-12-203
Committee on Indian Affairs	By end of session	Comm. on Comms. (4) Speaker (4) Bipartisan	5-19-101 thru 5-19-108



Gaming Advisory Council	End of each member's term on Council *** See endnote	Speaker (1) Comm. on Comms. (1)	2-15-2021
Council of State Governments (CSG)	Upon receipt of request from CSG	Legislative Council	5-11-301
National Conf. of State Legislatures (NCSL)	Upon receipt of request from NCSL	Legislative Council	5-11-301
Pacific Northwest Economic Region	No deadline	Speaker (1) President (1) Senate Min. Lead. (1) House Min. Lead. (1)	5-11-703
Microbusiness Advisory Panel - Legislative Consulting Panel	On or before 10th Leg. Day Jan. 16, 1999 (est.)	Speaker (2) Comm. on Comms. (2)	17-6-411
Reserved Water Rights Compact Commission	No deadline	Speaker (2) President (2)	2-15-212
Oversight Comm. on Children and Families	No deadline	Speaker (4) Comm. on Comms. (4)	5-22-101
Future Fisheries Review Panel	August 1, 1995	Speaker (1) Comm. on Comms. (1) Governor (8 or more)	87-1-273

**\* Environmental Quality Council**  
Chapter 142, L. 1987, amended 5-16-104, MCA, to require vacancies for public members to be noticed in the following manner:

“(2)(a) When a vacancy on the council of a member appointed under 5-16-101(3) has occurred or is expected to occur, the appointing authority shall have posted in a conspicuous place in the state capitol a notice announcing the actual or anticipated vacancy and describing the procedure for applying for appointment.  
(b) A copy of the notice required under subsection (2)(a) must be sent to the lieutenant governor, who may publish the notice in an appropriate publication.”

According to section 5-16-103, MCA, the term of appointment for membership to the Environmental Quality Council is for 2 years. Any member may be reappointed to the Council with the limitation that no member may serve on the Council for a period of more than 6 years.

When appointing the "public members", the Speaker and the President must have the consent of the minority leader of the respective house. (See 5-16-101, MCA.)

**\*\* Legislative Consumer Committee**

According to section 5-15-102, MCA, certain persons are ineligible for appointment to the Legislative Consumer Committee.

“5-15-102. Ineligibility for appointment. Any person who is an employee, agent, officer, partner, or director of any regulated company or who has served a regulated company in any capacity within the 3 years previous to his appointment may not be a member of the committee.”

### **\*\*\* Gaming Advisory Council**

According to section 2-15-2021, MCA, appointments to the Gaming Advisory Council are for 3 years. For the first-time appointments that were made in 1989, however, three members were appointed for 1 year, three members for 2 years, and three members for 3 years.

**“2-15-2021. Gaming advisory council -- allocation -- composition -- compensation -- annual report. (1)** There is a gaming advisory council.

(2) . . . .

(3) The gaming advisory council consists of nine members. One member must be from the senate, and one member must be from the house of representatives. The senate committee on committees and the speaker of the house of representatives shall appoint the legislative members of the council. The seven remaining members must be appointed by the department, with one representing the public at large, two representing local governments, one being a Native American, and three representing the gaming industry.

(4) Each gaming advisory council member is appointed to a 3-year term of office, except that three of the first-appointed original members shall serve a 1-year term, three (including both legislative members) shall serve a 2-year term, and three shall serve a 3-year term. A member of the council may be removed for good cause by the appointing body provided for in subsection (3).

(5) . . . .”

All legislator's terms for the Gaming Advisory Council are now 3-year terms.

## CHAPTER VI

### NEWS MEDIA

As mentioned in CHAPTER II -- ADMINISTRATIVE NUTS AND BOLTS, typists are available for dictating and typing of news releases. During legislative sessions, many television news staff members are located in Room 2 (basement) of the Capitol, and many newspaper staff members are located in Room 329.

For your information, the following news media cover the Legislature.

<u>News Service</u>	<u>Helena Address</u>	<u>Phone No.</u>
<u>Associated Press</u> Bob Anez Len Iwanski Susan Gallagher	P.O. Box 5810 Room 329, Capitol Bldg.	Capitol 449-5542 Cedar St. 442-7440 Capitol FAX 449-6104 Cedar St. FAX 442-5162
<u>Lee Newspapers</u> Charles S. Johnson Kathleen McLaughlin Erin Billings	P.O. Box 1676 208 N. Montana	443-4920 FAX 443-0034
<u>Great Falls Tribune:</u> <u>Capitol Bureau</u> Mike Dennison	104 Broadway #7	442-9493 442-9493 FAX 442-9413
<u>KTVH-TV NEWS</u> Christina Peak Julieanne McDonough Julie Lamb Arik Heidenreich Gregg Ingram Jeff Goldberg Orlinda Worthington Tim McGonigal	100 West Lyndale, Suite A P.O. Box 6125	457-1212 FAX 442-5106
<u>MTN NEWS</u> Robert Wilson	P.O. Box 213, Capitol Station Room 2, Capitol Bldg.	442-4641 FAX 449-6323

<u>KULR/KFBB-TV NEWS</u>	P.O. Box 224, Capitol Station	443-6390
Kathleen Jones	Room 2, Capitol Bldg.	FAX 443-6390
<u>KUFM PUBLIC RADIO</u>	Room 2, Capitol Bldg.	406/243-4931
(Available 1/4/98)	Missoula	FAX 406/243-3299

The press room in the Capitol building is located in Room 329. The reporters may also be contacted at the press table in each house.

Accredited press representatives have access to every public legislative meeting or hearing, including party caucuses, and may not be prohibited from photographing, televising, or recording the committee or house hearings, subject to the discretion of the presiding officer in all matters of decorum and order.

To gain access to the Senate floor, media members must register in the office of the Secretary of the Senate and will receive a media identification card.

## **CHAPTER VII**

### **LEGISLATIVE INTERNS AND AIDES**

The Legislature provides opportunities for college students and others to learn more about the Legislature, its process of lawmaking, and the responsibilities of those involved in the institution. Serving as an intern or as an aide is an excellent opportunity for a person to gain a working knowledge of representative government.

#### **LEGISLATIVE INTERN PROGRAM**

The Legislative Intern program is administered and supervised by the Legislative Council. Each unit of the Montana University System, each private college, each tribal college, and each two-year public college in the state is entitled to one intern. The intern must be named by the president of the institution. Beyond the internships specified for the institutions named above, five additional interns may be chosen from applications submitted to the Legislative Council. Each intern serves during the regular session for a period specified by the Legislative Council prior to the session convening.

In order to serve as an intern, a student must:

- (1) have studied at least one semester of “government” or its equivalent at an institution of higher learning;
- (2) have reached at least the level of junior at a four-year institution or of sophomore at a two-year institution; and
- (3) exhibit scholastic achievement, leadership, and community involvement.

Preference will be given to Montana high school graduates.

Each intern is assigned to a legislator by the Legislative Council. The legislator provides the immediate supervision of the intern for the duties performed. Legislative interns participating in this internship

program do not receive a stipend. However, they may receive academic credit that should be arranged with the intern's school prior to attendance at the session.

Interns are chosen by the Legislative Council in the fall prior to the session. Applications are available in September at each Montana college or university. For further information about the Legislative Intern Program or to receive a copy of the Program's Guidelines, please contact the Executive Director of the Legislative Services Division.

## **OTHER INTERN PROGRAMS**

Many other interns work during a legislative session who are not sponsored by the Legislature; rather they are participants in programs offered by educational institutions or private entities. Some interns receive stipends from the organization or individual they serve. For more information about these internship opportunities, students should contact their college or university or an organization that offers such internships.

## **LEGISLATIVE AIDES**

Legislative aides are generally chosen by individual legislators to work as private aides. A legislative aide does not have to be a student but must be at least 18 years of age, unless otherwise approved by the presiding officer of the house in which their sponsor serves.

The responsibility of an aide is to the sponsoring legislator to do whatever is agreed upon between the legislator and the aide. A legislator may not designate more than one aide without the approval of the Rules Committee of the house in which the legislator serves. Any compensation or reimbursement of expenses is the sole responsibility of the legislator. The Legislature provides no funds for compensating or reimbursing aides.

Aides are required by Joint Rule to register with the Clerk of the House or the Secretary of the Senate and are issued distinctive identification, such as name tags.

## **CHAPTER VIII**

### **SERVICES TO CONSTITUENTS**

Various personnel and methods are made available to constituents so they may be kept fully informed of legislative activities and issues.

#### **LEGISLATIVE INFORMATION OFFICE AND TELECOMMUNICATIONS**

The Legislative Information Office is under the supervision of the Legislative Services Division and will be located in the Capitol in Room 356. The purpose of this Office is to answer inquiries of citizens concerning legislative activities, including status of a bill, committee hearings, etc. The Office staff also answer calls, forward messages to legislators, and transmit and receive faxes on behalf of legislators. A separate phone line has been provided for incoming FAX messages to legislators. The FAX number for messages to legislators is 1-900-225-1600 and is a toll call.

#### **GUIDE SERVICE — MONTANA HISTORICAL SOCIETY**

The Montana Historical Society conducts guided tours for students and other visitors. The Legislative Information Office advises legislators when schools are visiting from their respective districts.

#### **SECRETARY OF THE SENATE — CHIEF CLERK OF THE HOUSE**

The staff in these offices can provide information on the status of a particular piece of legislation, the schedule of standing committee hearings, and recorded votes.

The Secretary of the Senate and the Chief Clerk of the House are the chief administrative officers of the two bodies. They are responsible for receiving introduced bills from legislators, organizing the floor business for each house at the direction of the President or Speaker, transmitting bills to assigned committees, receiving bills from committees, and

transmitting approved bills to the other house or to the Governor. They each serve also as the *de facto* chief of staff for the respective house.

## **WITNESSES AT A STANDING COMMITTEE HEARING**

Information of value to a constituent who wishes to appear as a proponent or opponent of a bill in standing committee is detailed in Chapter X, STANDING COMMITTEE PROCEDURES. A legislator may also want to talk with the committee presiding officer before a bill is to be heard for additional information on a particular hearing.

## **MAILING BILLS TO CONSTITUENTS**

Because of the costs involved, copies of all bills are not ordinarily mailed to constituents. However, bills of particular interest may be mailed in the same manner as other outgoing mail.

Copies of all bills and other legislative proceedings, such as journals and status sheets, are mailed daily to all County Clerks. Interested persons may read the legislative proceedings at their County Clerk's office.

Constituents may also subscribe, for a fee, to receive proceedings.

## **ON-LINE SERVICES**

### Services for Internet Users

The Montana Legislative Branch will debut a new system called LAWS (Legislative Automated Workflow System) for the 1999 legislative session.

The LAWS system includes an Internet interface in the form of an online web browser application that provides users with access to both bill status and bill text. Internet users can go to the Legislative Branch home page at <http://www.state.mt.us/leg/branch/branch.htm> and then link to the "LAWS" page for this free online legislative information service.



Internet users will be able to access online bill status information, committee hearing information, agendas, etc., as well as the text of introduced bills, amended bills, enrolled bills, and edited bill drafts. The text of edited bill drafts was not available over the Internet last session.

Advanced search features will also be available for Internet users to help identify bills and bill drafts of interest. For example, users will be able to generate lists of bills and bill drafts that meet specific criteria selected by the user. These criteria can include one or more of the following: requester of a bill draft, primary sponsor of a bill, drafter of a bill/draft, subject assigned to a bill/draft, current status of a bill/draft, and other criteria.

Internet users who wish to track specific legislation will be able to sign up for a special service called "preference list". This free service will allow users to create, modify, and save their own bill/bill draft list files. Once a bill/bill draft list file is created, the user can "click on a button" to generate a report that shows the latest status of each bill/bill draft in the list, along with the bill or bill draft's short title and primary sponsor/requester.

Applicants for this "preference list" service will be required to mail in an application form to the Montana Legislative Services Division. This form will be available from the Montana Legislative Branch "LAWS" Internet page. Users of this service will be given a user-ID and password by the Montana Legislative Branch. Full details for this service are available from the Montana Legislative Branch "LAWS" Internet page.

Bill text will be stored in WordPerfect 5.1 format on the Internet (and also on the State Bulletin Board System). Note that WordPerfect 5.1 format is the same format that was used for bill text during the 1997 session. The latest version of each bill will also be stored in "html" format for online viewing over the Internet, similar to the 1997 session.

### Services for State BBS Users

Legislative information will also be made available to users of the State Bulletin Board System (BBS). Note that bill status information via

the BBS is typically updated only once a day while the Internet status information will be online ("up to the minute" information).

Users of the BBS will be able to access the same data as was available for the 1997 session. This data will include legislative reports (typically updated once a day), as well as the text of introduced bills, amended bills, enrolled bills, and edited bill drafts. The text of edited bill drafts was not available over the BBS last session. The BBS system has toll-free access within the state of Montana.

The BBS contains much other government-related data, in addition to legislative information. This system is supported by the Office of Public Instruction (OPI) and is available through the Internet as well as by standard dial-up process.

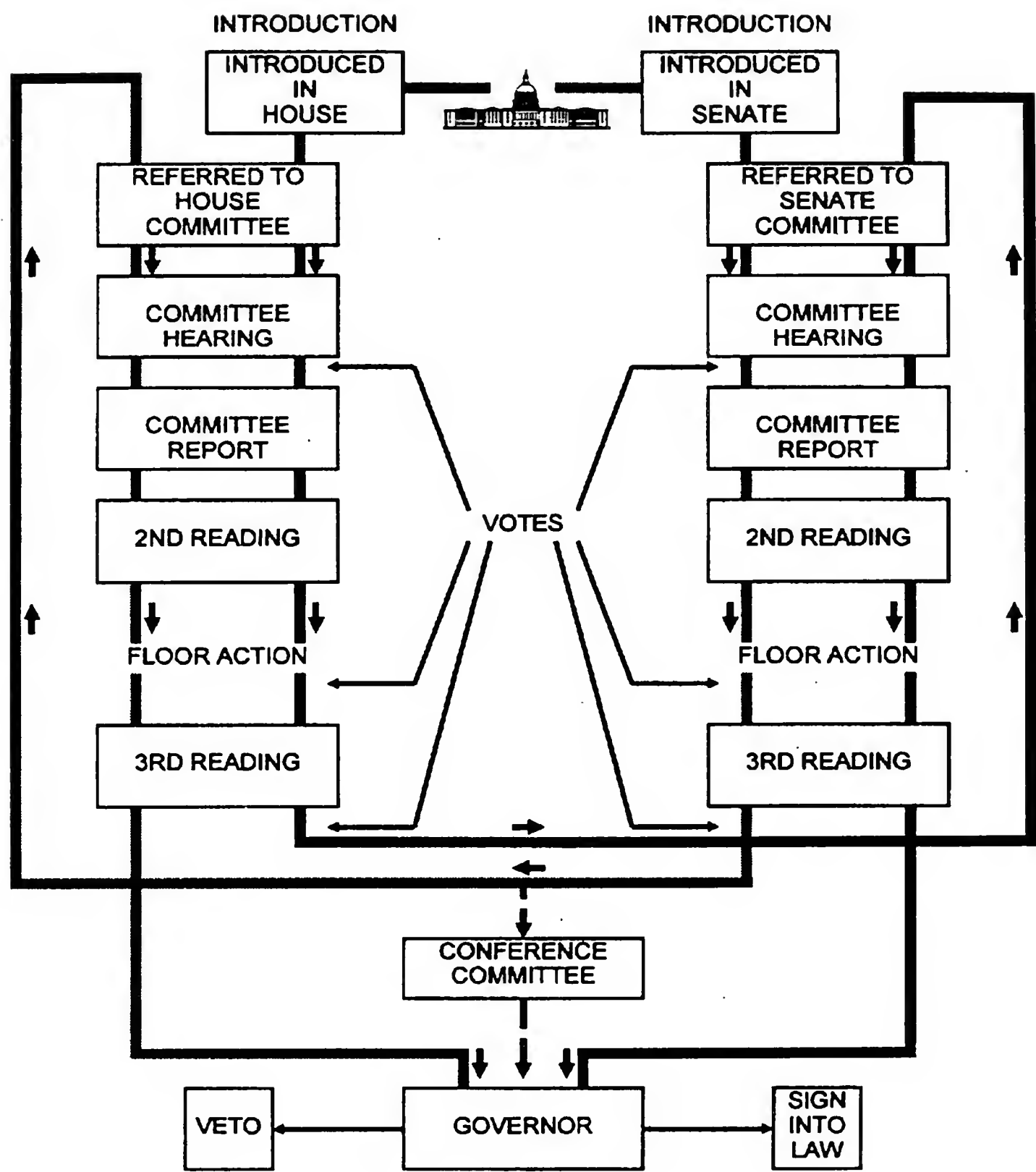
For more information, call the OPI at 406-444-3563, or write to OPI, P.O. Box 202501, Helena, MT 59620-2501. Free client software is provided by OPI to provide the user with improved access to the BBS.

Available toll-free to Montana citizens by dialing 1-800-962-1729 (out-of-state users must dial 406-444-5648), this system contains the text of introduced and amended bills, daily journals, session laws, and numerous legislative reports, including hearing calendars, agendas, and bill status lists.

Some data is viewable online on the BBS, but most of the data (including bill text) must be downloaded to your PC in order to use it.

CHAPTER IX

HOW A BILL BECOMES A LAW



HOW A BILL BECOMES A LAW

The following 23-step description provides a narrative detail of how a bill becomes law.

Step 1. Introduction. Bill is filed for introduction with Chief Clerk of the House or Secretary of the Senate.

Step 2. First reading. Bill's title is posted, and bill is ordered printed on white paper.

Step 3. Committee reference. Bill is referred to proper committee by House Speaker or Senate President. Referral is posted.

Step 4. Committee consideration. Committee holds public hearing on bill, then discusses it. May vote to amend bill.

Step 5. Committee report. Committee reports its recommendation that bill "do pass", "do pass as amended", or "do not pass".

Step 6. Placed on calendar. Simple "do pass" and "do not pass" reports are printed as such in the journal. The text of amendments reported by the committee is printed in full. Bills receiving favorable reports are printed on yellow paper in the first house (tan paper in the second house), incorporating any reported amendments, and placed on the calendar for second reading. Bills with "do not pass" reports are not placed on the second reading calendar unless a motion is made to that effect and passed. If "do not pass" report is adopted, bill drops out of further consideration.

Step 7. Second reading. Entire body debates bill as the "Committee of the Whole". Amendments may be offered and voted on. Bill defeated here drops out of further consideration.

Step 8. Placed on third reading calendar. Bill approved by Committee of the Whole is ordered printed on blue paper in the first house (salmon paper in the second house), incorporating all amendments made up to that point. (This is known as an "engrossed" bill.)

Step 9. Third reading. Bill subjected to a simple "yes" or "no" vote by entire body, in which (by constitutional requirement) each member's vote must be recorded and printed in the journal. No amendments may be considered. Bill defeated here drops out of further consideration.

Step 10. Transmittal to other house. Same as Step 1 introduction, except the other house works with the blue copy.

Step 11. First reading. Summary of title and history is posted.

Step 12. Committee reference. See Step 3.

Step 13. Committee consideration. See Step 4.

Step 14. Committee report. Second-house committee phrases a favorable report as "be concurred in" or "be concurred in, as amended". Unfavorable report is "be not concurred in".

Step 15. Placed on calendar. Same as Step 6, except that instead of a yellow-paper copy, the bill is prepared for second reading with committee amendments to the blue copy included in the bill and printed on tan paper. Bill with unfavorable report is not placed on calendar unless the committee recommendation is reversed by the full body.

Step 16. Second reading. Same as Step 7.

Step 17. Placed on third reading calendar. Same as Step 8, except reference bill is reprinted on salmon-colored paper to include all amendments made in second house.

Step 18. Third reading. Same as Step 9.

Step 19. Bill passed by both houses in identical form. Enrolled and sent to Governor.

Step 20. Bill passed by both houses in differing forms:

The second house returns a bill to the house of origin approved with amendments, sent with a message requesting concurrence in the amendments.

The question is voted in the Committee of the Whole, e.g., "Shall the (Senate) amendments to (House) Bill No. \_\_ be concurred in?" If the vote in the house of origin is in favor of concurrence, the bill is enrolled.

If a motion is made and adopted that the amendments not be concurred in, the originating house will usually request a conference committee (or it may send a message to the second house asking it to recede from its amendments). If a conference is sought, a motion is made to authorize the House Speaker or Senate President to appoint a conference committee (regular or free) to meet with a like committee from the other house to resolve the differences. (Regular conference committees may consider only the disputed amendments; free conference committees may revise any part of the bill.) This action, if approved, is communicated to the second house in a message, and the second house then appoints a conference committee in the same manner.

Step 21. Conference committee reports. If conferees settle differences, each contingent reports to its parent body that the bill be further amended in some fashion or that one house recede from amendments and that the bill then be approved. Amendments adopted by conference committees are printed on green (House) or pink (Senate) paper. Adoption of the conference committee report means the house approves the bill as the conferees recommend.

If conferees cannot settle differences, they report their disagreement and either body may ask that a new conference committee be appointed.

Step 22. Enrolling. Bill is checked for accuracy and printed. Correctly enrolled bill is delivered to the presiding officer of the house in which the bill originated. After being signed and recorded in the journal, bill is transmitted to the other house where the same procedure is followed.

Step 23. Governor's desk. Governor either signs or vetoes bill or allows it to become law without his or her signature. Legislature may vote to override a veto if it has not adjourned. (Refer to Montana Constitution, Article VI, section 10.)

## **COLOR CODED BILL SEQUENCE**

The progress of a bill in its journey through the legislative process can be tracked by the color of paper on which a bill is printed at any stage:

WHITE - Introduced Bill

YELLOW - Second Reading Bill in first house

BLUE - Third Reading Bill in first house (first reading in second house)

TAN - Second Reading in second house

SALMON - Reference Bill (Third Reading in second house)

IVORY - Reference Bill with later amendments (conference committee or Governor's amendments)

BUFF - Original Fiscal Note

CHERRY - Amended Fiscal Note

GOLDENROD - Sponsor's Fiscal Note

Amendments from conference committees for consideration by the Committee of the Whole are printed on:

GREEN - in the House

PINK - in the Senate





## CHAPTER X

### STANDING COMMITTEE PROCEDURES

#### COMMITTEES IN THE MONTANA LEGISLATURE

Although the committee system has not been as powerful in Montana as it is in other states or in Congress, the committees perform essential functions in reviewing, analyzing, amending, and recommending that bills pass or do not pass. Because the committee system is the essence of the legislative process, the new legislator needs to understand the workings and personnel of the committees and some points of etiquette when a bill he or she introduces is the subject of a committee hearing.

#### WHAT GETS DONE IN COMMITTEE

##### Hearing Witnesses

When a hearing is held on a bill, the presiding officer calls for the proponents of the bill to identify themselves and present their statements. Prior to the hearing, the secretary has each witness, including the sponsor, complete a short registration form. It is customary for the legislator sponsoring the bill to speak first. The sponsor may introduce the constituent, lobbyist, or other person who has brought the bill or the problem to the sponsor's attention and who is present to testify. After all proponents have been heard, the presiding officer will invite opponents, if any are present, to testify. There is typically no surrebuttal from opponents. Committee members may question the sponsor, any witness, or nearly anyone else on matters relating to the bill. Questioning typically occurs at the close of all testimony, depending on the presiding officer's ground rules, other business, etc. Customarily, the sponsoring legislator has the final word of the hearing which he or she makes in "closing". (Veteran legislators indicate a premium on brevity, both in opening and closing on a bill.)

Advice on how proponents or opponents of bills can be most effective in their appearances before committees is contained in *Having Your Say Before Montana Legislative Committees*, a pamphlet that may

be obtained from the Legislative Services Division or, during a session, at the Legislative Information Office.

### Revising and Amending Bills

A committee member may, when questioning a witness, ask the witness if a problem in the bill could be cured by an amendment that the member spells out. However, it is customary to move an amendment in the committee's executive session after the close of testimony. (Contrary to its commonly understood but now outdated definition, "executive session" in the legislative lexicon does not mean a closed or private session, which is prohibited by the Montana Constitution. A committee's executive session is open to observation by all persons, but only committee members participate in the discussion except when a member, with the presiding officer's permission, requests another person to provide information.) The committee, in passing the motion, may instruct the committee staff person to write up the amendment in the proper form.

Amendments developed by a subcommittee should be distributed to the full committee at an executive session designated by the presiding officer for the report of the subcommittee. A subcommittee member will usually move the adoption of the subcommittee's recommendations following discussion of the subcommittee's report.

Information about preparing amendments is contained in the *Bill Drafting Manual* available from the Legislative Services Division.

### Disposing of Bills

After the hearing and executive session discussion, which may include consideration of amendments or subcommittee reports, a member will say, "Mr. Chairman (Madam Chairwoman), I move that (House) (Senate) Bill No. \_\_\_\_ do (or do not) pass." Sometimes a member disagreeing with this position will then say, "Mr. Chairman (Madam Chairwoman), I move that (House) (Senate) Bill No. \_\_\_\_ do not (or do) pass." By the parliamentary procedure rules, the substitute motion, if offered, is voted on first. The presiding officer may announce that without objection the vote on the substitute motion is considered the reverse of the

vote on the main motion. (It is possible but rare that a member, feeling that a bill should be further refined before a recommendation is made to the full body for "do pass" or "do not pass", would vote against both motions.) If amendments to the bill have been adopted by the committee, then the motion is "do pass, as amended" or "do not pass, as amended".

### Reporting Action to Full Body

A committee, or its majority, makes one of four recommendations to its parent body. If the bill was introduced in the same body, the committee reports that the bill "do pass" or "do not pass". If the bill has been passed by the other body, the committee recommends that it "be concurred in" or "not be concurred in". "As amended" should be added in each of the four reports if amendments have been adopted by the committee.

The procedures of the Senate and House differ in cases where a committee report is controversial. In the Senate, a unanimous committee report is usually the end of the matter, but if a minority of the committee wishes to file a minority committee report, both reports (e.g., "do pass" and "do not pass") are placed before the body and debated under committee reports. In the House, only the prevailing position is posted and, if that position is "do not pass", a majority of members who object may place the issue on the second reading calendar and debate it.

When a committee brings to the floor a bill that originated in the other body, naturally the sponsor cannot be present to explain and carry the bill. In this situation, the committee presiding officer appoints a member to carry the bill when the committee decides that the bill should "be concurred in". A committee member so designated should consult with the sponsor for background information so that he or she can explain the bill on the floor. Additional information may be obtained from the committee staff person.

### Conference Committees

When the second house amends a bill and the two bodies are unable to reconcile their versions of the bill on the floor, the leadership will appoint three Senators and three Representatives, usually from the

committees that considered the bill, to be conferees. Some conference committees meet with full formality. Toward the end of the session, some committees may not physically meet at all because of the press of time and the difficulty in scheduling a formal meeting. In these cases, the sponsor (or a proponent of the bill) contacts the various conferees individually with the proposed compromise language and collects the signatures on the report.

## **WHO DOES WHAT IN COMMITTEE**

### Committee Chairman or Chairwoman

The presiding officer, i.e., the chairman or chairwoman or, occasionally, the vice chairman or vice chairwoman, is designated by the leadership and, under the Joint Rules, has general control and direction of the hall and committee room.

The presiding officer decides the scheduling of bill hearings and sets the agenda for each meeting and ground rules for hearings. For example, he or she may allocate 40 minutes for testimony to be divided equally between proponents and opponents. He or she may appoint a subcommittee, either pursuant to a motion adopted or on his or her own initiative, to do further work on a bill. The presiding officer always controls the floor during committee discussion and members speak only after recognition by the presiding officer.

### Committee Vice Chairman or Vice Chairwoman

The vice presiding officer, the vice chairman or vice chairwoman, is selected by the Speaker of the House or Senate Committee on Committees. He or she presides over meetings when the presiding officer is absent. The vice presiding officer usually presides over a hearing on a bill that the presiding officer has sponsored and that the presiding officer is presenting.

## Committee Secretary

The secretary's duties include keeping minutes of meetings, registering witnesses who testify, recording committee votes, notifying bill sponsors of hearings, and typing committee reports and amendments. The secretary also maintains a notebook or file for each member, which contains a copy of each bill referred to the committee, and a copy of each fiscal note prepared for those bills. At a member's request, the secretary may install printed testimony in the file.

## Committee Staff Person

By tradition, an attorney or research analyst from the Legislative Services Division staff is generally assigned to a committee by the Services Division Executive Director, with the concurrence of the committee presiding officer. The Senate Committee on Finance and Claims and the House Committee on Appropriations are staffed by the Legislative Fiscal Division. The staff person's duties include drafting amendments to bills before the committee as requested by members of subcommittees, reviewing bills for technical or constitutional problems, and conducting research for subcommittees or individual members.

## **ETIQUETTE FOR SPONSOR BEFORE COMMITTEE**

The most elementary courtesy a sponsor can show a committee is to be present promptly at the time his or her bill is scheduled to be heard. If a sponsor cannot appear at a scheduled hearing on his or her bill, the sponsor should notify the presiding officer of the committee as early as possible. A presiding officer does not enjoy announcing the postponement of a hearing to a room full of people, some of whom have traveled long distances, to testify on that bill. A change of dates should be posted several days in advance to avoid inconvenience.

If a sponsor wishes to bring a number of people to speak as proponents, he or she should know whether their statements would be similar and take steps to avoid repetitious testimony. It is sufficient for a witness who would be repeating another's statement to give his or her

name and address and state his or her concurrence. The committee members will appreciate this.

A sponsor's etiquette may also be involved in special situations as follows:

### Written Statements

If a sponsor or witness wishes to submit a written statement to the committee, it will be most effective if a copy is made for each member and each copy is punched to fit a three-ring binder, so each member may insert the statement into his or her bill book. A single copy, if submitted, will be preserved with the minutes by the secretary, but the individual members will not have time to give it more than a cursory glance.

### Graphic Presentations

If equipment such as a blackboard, chalk, easel, slide projector, overhead projector, or screen is to be employed, the committee secretary should be notified the day before the hearing to make sure the necessary equipment is available.

### Reference to Codes

The effect of some bills may be understood only by referring to sections of existing law not set forth in the bill. Each committee room has a set of the *Montana Code Annotated*.

### Scheduling

If a sponsor approaches a committee presiding officer with a hearing date request, he or she should be aware of the considerations affecting the presiding officer's scheduling decisions. These include:

(1) degree of controversy: A presiding officer will try to schedule perhaps four or five bills on a day if they are expected to be relatively noncontroversial or to hear only one or two bills if sharp arguments are expected to develop at the hearing.

(2) degree of complexity: A long or complicated bill may require all of the two hours a committee usually has for hearings, while a short and simple one, even if controversial, can usually be heard in a fraction of this time.

(3) number of expected witnesses: If a large turnout is expected, a presiding officer sometimes makes special arrangements for hearing the bill in a space larger than the committee room, such as the chamber of the House or Senate. Hearings in either chamber must be held in the evening. Other rooms and auditoriums in the Capitol Complex may also be used for hearings. Arrangements should be made through the Secretary of the Senate or the Chief Clerk of the House.

(4) subject matter affinity: A presiding officer may try to hear bills on the same subject together, since the committee may have to choose between these bills. The sponsors of separate bills on the same subject should try to coordinate their scheduling requests.





## **CHAPTER XI**

### **FISCAL NOTES**

A fiscal note is an analysis of a bill's dollar impact on state or local revenues, expenditures, or financial liability. The notes are prepared by the executive Office of Budget and Program Planning, in cooperation with agencies affected by the bill, within six days of the request unless more time is granted by the Senate President or the Speaker, as applicable.

Procedures governing fiscal notes are encompassed in the Joint Rules and codified in Title 5, chapter 4, part 2, MCA.

All bills reported out of a committee having a fiscal impact and not carrying specific dollar appropriations must include a fiscal note.

The Legislative Services Division staff indicates at the top of each bill prepared for introduction whether or not a fiscal note is necessary.

Fiscal notes are then requested by the presiding officer of either house who determines the need for the note at the time of introduction based upon the Services Division's recommendation.

A fiscal note also may be requested on a bill or on an amendment by: a committee considering the bill; a majority of the members of the house in which the bill is to be considered at the time of second reading; or the chief sponsor through the presiding officer of the sponsor's house.

A fiscal note shows, when possible, in dollar amounts the estimated increase or decrease in revenues or expenditures, costs that may be absorbed without additional funds, long-range financial implications, and technical problems with the language of the bill. Comment or opinion of the merits of the bill is not permitted on the fiscal note.

Section 5-4-204, MCA, allows the bill's sponsor to prepare his or her own fiscal note if he or she does not concur with that provided by the Budget Office.

Completed fiscal notes are referred to the committee considering the bill, and copies are printed and placed on the members' desks.

Background information used in developing a fiscal note can be obtained directly from the Office of Budget and Program Planning.

If a fiscal note accompanies a bill, the date of request and the date of receipt are indicated on the bill status and history.

The fiscal note is printed on buff paper.

The following is a sample fiscal note that typifies fiscal notes prepared for legislation having an effect on revenue and expenditures, respectively.

FISCAL NOTE

Bill #: HB0091

Title: Extend Sunset Provision on Committee on Public Employee Retirement Systems

Primary Sponsor: Representative Wiseman

Status: as introduced

William Wiseman, Sponsor	Date	Dave Lewis, Budget Director	Date
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Fiscal Summary

	FY2000 Difference	FY2001 Difference
Expenditures:		
General Fund	8,000	8,000
Revenue:		
General Fund	0	0
State Special Revenue		
Federal Special Revenue		
Other		
Net Impact on General Fund Balance:	(\$8,000)	(\$8,000)

Yes	No		Yes	No	
	✓	Significant Local Gov. Impact	✓		Technical Concerns
	✓	Included in the Executive Budget		✓	Significant Long-Term Impacts

Fiscal Analysis

ASSUMPTIONS:

1. The CPERS will hold five one-day meetings during the 1999 biennium at a cost of \$1,282 per meeting.
2. Committee printing costs and miscellaneous operating expenses will total \$9,590.
3. Meetings will begin after July 1, 1997.

## CHAPTER XII

### LOBBYING AND LOBBYISTS

A legislator is exposed to a variety of bills having potential effects on the private, business, and public lives of all Montanans. The intense focus of the possibilities for change, which a legislative session represents, generates conflict among proponents and opponents of that change. Responding to this conflict, private citizens, public officials, and representatives of diverse groups seek to influence legislators in their decisions on legislation and other policy matters—an activity known generally as lobbying. This chapter discusses distinctions among types of lobbyists, legal requirements covering lobbying, and general information about lobbying.

A lobbyist is a person who seeks to influence legislation whether for pay or on a regular basis as a volunteer, but a private citizen who infrequently attempts to communicate with a legislator is not usually considered a lobbyist in the generally understood sense of the word. The usually full-time nature of a lobbyist's job distinguishes a recognized professional lobbyist from a private citizen.

Montana law formally defines lobbying and makes certain demands on lobbyists. For the purpose of the Lobbyist Registration and License Law (Chapter 157, Laws of 1959, and later amendments, particularly Initiative No. 85, approved in 1980, and Chapter 568, Laws of 1983; Title 5, chapter 7, MCA), a lobbyist is a person who, for hire, engages in the practice of promoting or opposing the introduction or enactment of legislation or who spends \$1,000 or more a calendar year, exclusive of personal travel and living expenses, in "promoting or opposing official action by any public official". Under the law, "lobbyist" does not include a citizen who receives no reimbursement or is reimbursed only for personal living and travel expenses of less than \$1,000 for his or her efforts to influence a legislator, a public official acting in his or her official capacity, or a person who appears exclusively before legislative committees.

A person or group that pays \$1,000 or more a calendar year to engage a lobbyist is known as a "principal". Principals reflect the total range of persons and groups having a pecuniary or policy interest in legislation, including corporations; cooperatives; public utilities; associations of private individuals, businesses, or industries; associations of public officials or governments; or any other special or public interest. A lobbyist may represent more than one principal.

The law requires both the lobbyist and the principal to register with the Commissioner of Political Practices who keeps a current list, or docket, of lobbyists and their principals. Any citizen may inspect the docket during normal business hours. In addition, the Commissioner provides a copy of the docket to each member of the Legislature and updates it every Tuesday during the legislative session.

"Lobbying" is defined (5-7-102, MCA) as "promoting or opposing the introduction or enactment of legislation before the legislature or the members thereof by any person other than a member of the legislature or a public official acting in his official capacity; and . . . promoting or opposing official action by any public official in the event the person engaged in such practice expends \$1,000 per calendar year or more exclusive of personal travel and living expenses".

A "lobbyist" is "any person who engages in the practice of lobbying for hire".

Any citizen of good moral character may be licensed as a lobbyist upon application to the Commissioner of Political Practices and payment of a \$10 license fee.

Each principal (employer of a lobbyist) is required under 5-7-208, MCA, to report to the Commissioner any payments made solely to influence legislative action:

(1) before February 16 of any year the Legislature meets and to include all payments made in the last calendar year;

(2) before the 16th day of the month following any month in which the principal spent \$5,000 or more; and

(3) within 60 days after adjournment of the session and to include all payments made during such session and not previously reported.

The report must detail all expenditures for printing, advertising (including production costs), postage, travel, salaries and fees, entertainment (including all foods and refreshments), telephone and telegraph, and office expenses.

Itemization of expenses must include identification of the payee and the beneficiary of each separate payment conferring \$25 or more in benefits to any public official when the payment was made for lobbying and each separate payment conferring \$100 or more in benefits to more than one public official, regardless of individual benefits when the payment was made for the purpose of lobbying, except that in regard to a dinner or function to which all Senators or all Representatives are invited, the beneficiary may be listed as all members of that group without listing separately each person attending.

The principal must list the full name and address of each donor of \$250 or more in each year for the purpose of lobbying and must list each official action in which the principal or his or her agents exerted a major effort to support, oppose, or modify, together with a statement of the principal's position for or against such action.

Before December 15 of each even-numbered year, each elected official or official-elect, including legislators, is required by 5-7-213, MCA, to file with the Commissioner a business disclosure statement listing the name, address, and type of business of the individual and each member of his or her immediate family. No individual may exercise the powers of his or her elected office until such a statement has been filed.

Lobbyists and principals are prohibited by 5-7-302, MCA, from engaging in or authorizing any "unprofessional conduct" that, in addition to any violation of the provisions of Title 5, chapter 7, includes:

(1) instigating action by any public official to obtain employment or in opposition thereto;

(2) attempting to influence the action of any public official by promise of financial support or by making public any unsubstantiated charge of improper conduct on the part of any other lobbyist, principal, or legislator; or

(3) attempting to knowingly deceive any public official with regard to the pertinent facts of an official matter or attempting to knowingly misrepresent pertinent facts of an official matter to any public official.

Violation of the lobbyist registration law is punishable by six months in jail and/or a fine of \$200 and is also subject to civil penalties of not less than \$250 or more than \$7,500. A lobbyist who is guilty of "unprofessional conduct" or otherwise violates the lobbyist registration law is subject to revocation of his or her license, and an elected official who violates the law is liable to recall. More serious offenses, such as bribery and improper influence, are covered in the criminal code (45-7-101 and 45-7-102, MCA).

Lobbyists as a group wield a tremendous influence over the Legislature—enough so that the lobbyists are often referred to as the third house. Keeping that influence legitimate is the purpose of strict licensing and registration laws. Montana's history is replete with stories of occasions when lobbyists' activities crossed the line between proper and improper influence. Stories of bills in large denominations floating through transoms are well known. Today's lobbyist is usually a highly skilled professional who works to influence a legislator by presenting expert knowledge rather than flattery and personal favors.

The efforts of a lobbyist are admittedly self-serving in that the lobbyist is communicating a client's or employer's concerns to the Legislature. As an advocate, however, a lobbyist provides information of great value to legislators.

In the end, when all the arguments have been presented and each advocate has had his or her say, the legislator is responsible for sorting the conflicting claims and making a decision for which he or she alone is responsible.

## CHAPTER XIII

### LEGISLATIVE BRANCH DIVISIONS

<u>Agency</u>	<u>Agency Head and Title</u>	<u>Helena Office Location</u>
Legislative Services Division	Robert B. Person Executive Director	State Capitol Room 138 (ph. 444-3064)
Legislative Fiscal Division	Clayton L. Schenck Fiscal Analyst	State Capitol Room 105 (ph. 444-2986)
Legislative Audit Division	Scott A. Seacat Legislative Auditor	State Capitol Room 135 (ph. 444-3122)
Consumer Counsel	Robert Nelson Consumer Counsel	34 W. Sixth Ave. (ph. 444-2771)

### MISSIONS AND GENERAL DESCRIPTION OF THE BRANCH

The mission of the Legislature is to exercise the legislative power of state government vested in the Legislature by The Constitution of the State of Montana. The mission of the Legislative Branch, i.e., the consolidated legislative agency, is to provide the administrative structure to support accomplishment of the mission of the Legislature and the other entities included in the consolidated agency.

The Legislative Branch consists of agencies consolidated with the Legislative Council as provided in 5-2-503, MCA. The principal agencies of the consolidated branch are the Senate and the House of Representatives (which together compose the Legislature), the Legislative



Services Division, the Legislative Audit Division, and the Legislative Fiscal Division.

The Senate consists of 50 members representing single-member districts composed of two representative districts. Senators are elected for 4-year terms with half the members elected every 2 years. The Senate serves as an equal partner with the House of Representatives in the consideration of most matters related to the exercise of the legislative power of the state. The unique functions of the Senate include confirming gubernatorial appointments and conducting trials of impeachment.

The House of Representatives consists of 100 members representing single-member districts. Representatives are elected to 2-year terms. The House of Representatives serves as an equal partner with the Senate in the consideration of most matters related to the exercise of the legislative power of the state. The unique functions of the House of Representatives include the introduction of appropriations measures into the process and the bringing of impeachment.

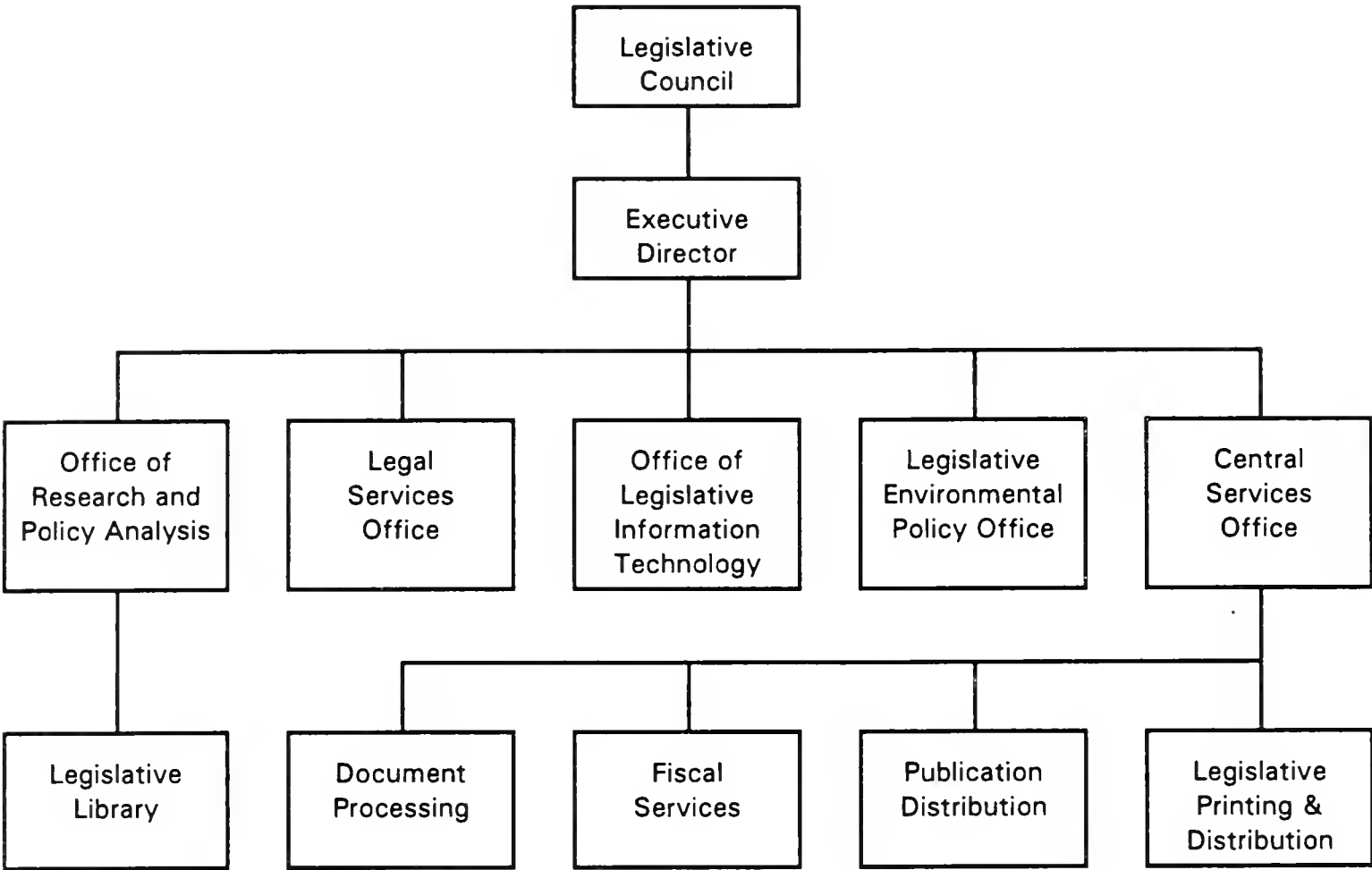
The mission of the Legislative Services Division is to provide research, reference, legal, technical, information technology, and administrative support services to the House, Senate, and other divisions of the Legislative Branch in support of effective and efficient operation of the Legislative Branch and to support the mission of the Legislative Council. Division services (with citations to appropriate statutory or rules authority) include the following:

- (1) bill and amendment drafting, preparation of bills for introduction, and the engrossing and enrolling of bills (5-11-112, MCA; Joint Rules 10-120, 40-40, 40-100, and 40-110);
- (2) publication of legislative documents of record (Title 5, chapter 11, part 2, MCA; Joint Rules 10-160 and 10-170);
- (3) provision of legislative research and reference services (5-11-112, MCA);



- (4) legal counseling on legislative matters and legal support for the Legislative Branch (5-11-112, MCA);
- (5) management and business services for the Legislative Branch (5-11-112, MCA; Joint Rule 10-100);
- (6) committee staffing for the Administrative Code Committee, the Districting and Apportionment Commission, joint interim subcommittees, standing and select committees, Legislative Branch Computer Systems Planning Council, Revenue Oversight Committee, Committee on Indian Affairs, Committee on Public Employee Retirement Systems, Committee on Children and Families, and Committee on State Management Systems (2-4-401, 5-1-106, 5-5-214, 5-11-112, 5-11-404, 5-18-107, 5-19-107, 5-21-104, 5-22-101, and 5-23-108, MCA);
- (7) preparation, publication, and distribution of the *Montana Code Annotated* text and annotations (Title 1, chapter 11, MCA);
- (8) review of the text of proposed ballot measures (13-27-202, MCA);
- (9) provision of legislative information to the public (5-11-112, MCA);
- (10) support of the computer network and applications planning, installation, and maintenance for the Legislative Branch (Title 5, chapter 11, part 4, MCA);
- (11) provision of sufficient and appropriate support to the Environmental Quality Council in order that it may carry out its statutory duties within the limits of legislative appropriations (75-1-323 and 85-2-105, MCA); and
- (12) other services as assigned and funded by the Legislature (5-11-112, MCA; Joint Rule 10-100 and various other rules).

Legislative Branch  
Legislative Services Division  
Organizational Chart



The mission of the Legislative Audit Division is to conduct independent audits under supervision of the Legislative Audit Committee, as provided by law, and to provide factual and objective information to the legislative and executive managers of the public trust. Division services (with citations to appropriate statutory or rules authority) include the following:

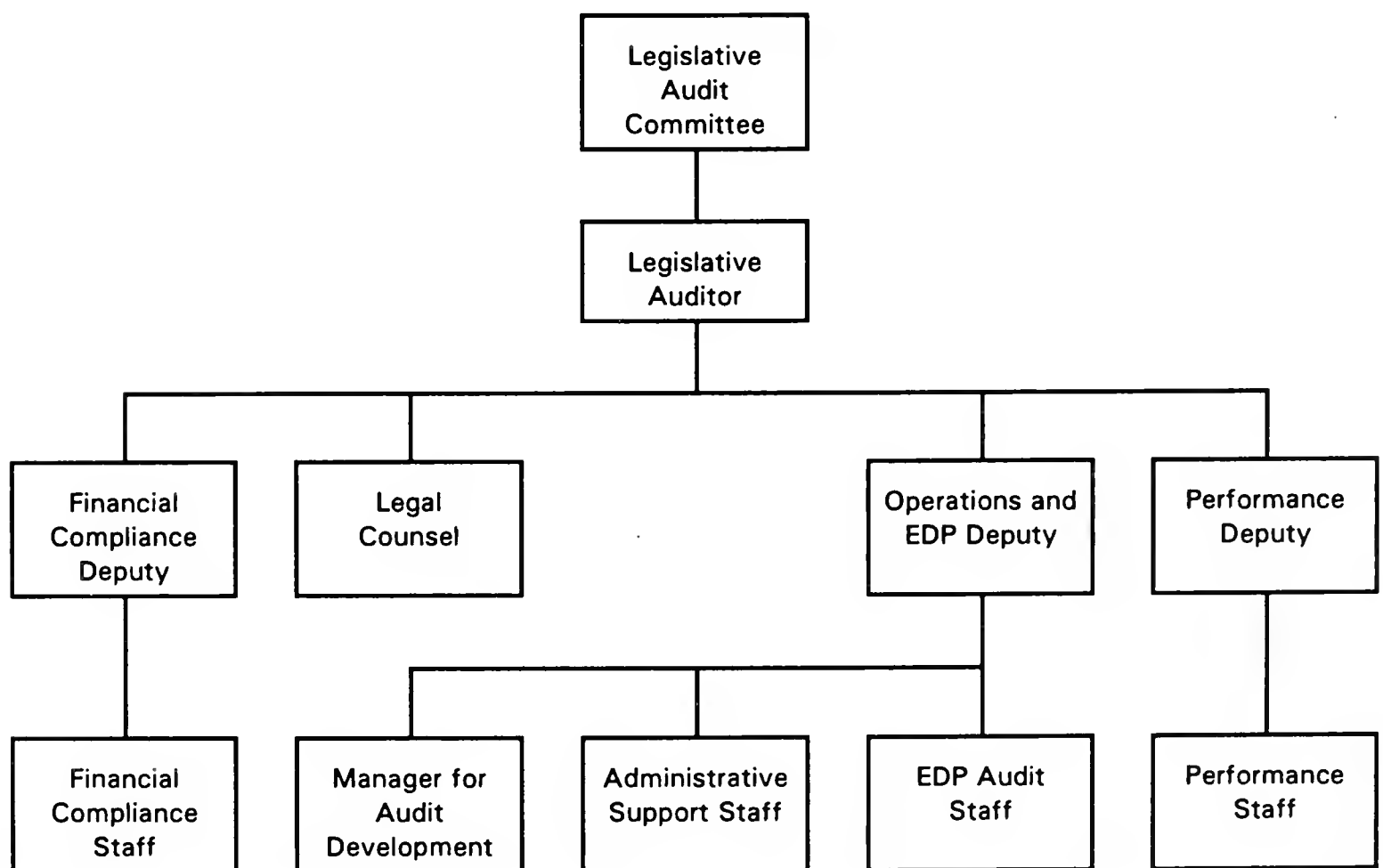
- (1) conduct and reporting of biennial financial compliance audits and special audits as needed (5-13-304, MCA);
- (2) reporting of violation of penal statutes, instances of misfeasance, malfeasance, or nonfeasance, and shortages discovered in an audit that are covered by surety (5-13-304, MCA);

- (3) auditing records of entities under contract with the state as needed (5-13-304, MCA); and
- (4) assisting the Legislature, its committees, and its members during legislative sessions by gathering and analyzing information relating to the fiscal affairs of state government (5-13-306, MCA).

The Legislative Audit Division may examine, at any time, the books, accounts, and records, confidential or otherwise, of a state agency.

The Legislature established the Legislative Audit Division in 1967 as the Office of the Legislative Auditor. The function became constitutionally required with the adoption of the 1972 Constitution. Principal statutory authority is found in The Legislative Audit Act (Title 5, chapter 13, MCA).

Legislative Branch  
Legislative Audit Division  
Organizational Chart



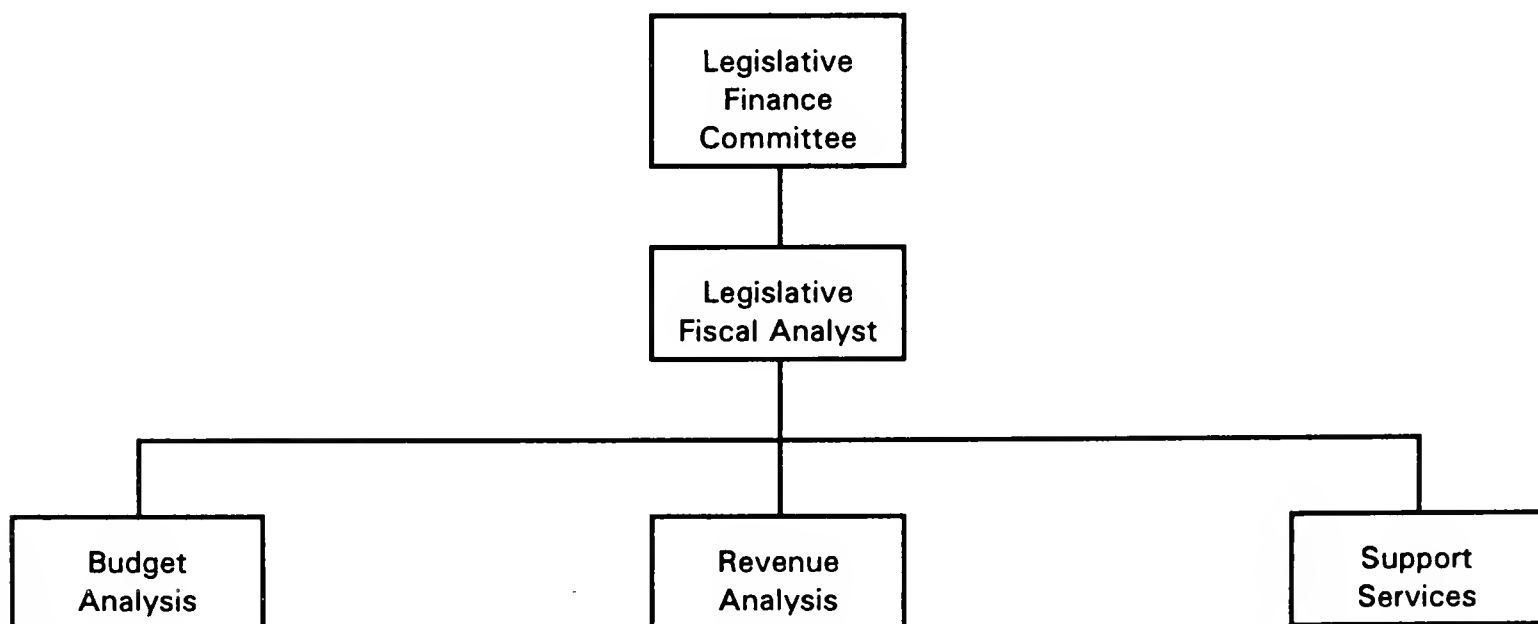
The mission of the Legislative Fiscal Division is to provide the Legislature with objective fiscal information and analysis relevant to Montana public policy and budget determination. Division services (with citations to appropriate statutory authority) include the following:

- (1) provision of staffing and support to the Legislative Finance Committee (5-12-301, MCA);
- (2) general statutory duties of the Legislative Fiscal Analyst (5-12-302, MCA), which include:
  - (a) provision of fiscal analysis of state government and the furnishing of information bearing upon the financial matters of the state relevant to issues of policy and of statewide importance;
  - (b) identification of ways to effect economy and efficiency in state government;
  - (c) estimation of revenue and analysis of tax policy;
  - (d) analysis of the executive budget;
  - (e) furnishing reports and recommendations on fiscal issues as considered appropriate, as well as those requested by the Legislative Finance Committee and the Legislature; and
  - (f) assisting legislative committees and individual legislators in compiling and analyzing fiscal information;
- (3) staffing and providing research and analysis for the Joint Committee on Postsecondary Education Policy and Budget (5-20-207, MCA);
- (4) provision of assistance to the Revenue Oversight Committee in revenue estimation (5-18-107, MCA);

- (5) review of biennially earmarked revenue and statutory appropriation provisions (17-1-508, MCA);
- (6) review of supplemental appropriations (17-7-301, MCA);
- (7) review of budget amendments (17-7-404, MCA);
- (8) provision of presession budget projections;
- (9) staffing appropriations committees and subcommittees;
- (10) preparation of the General Appropriations Act;
- (11) provision of general fund status reports;
- (12) provision of legislator fiscal training; and
- (13) preparation of the postsession Legislative Fiscal Report.

The Legislature established the Legislative Fiscal Division in 1974 as the Office of the Legislative Fiscal Analyst. Principal statutory authority is found in The Legislative Finance Act (Title 5, chapter 12, MCA).

Legislative Branch  
Legislative Fiscal Division  
Organizational Chart



## BRANCH ORGANIZATION

The officers of the Senate are the President, the President *pro tempore*, the majority floor leader, the minority floor leader, the majority whip, and the minority whip. The President of the Senate is the presiding officer and budget-approving authority for the Senate. The President of the Senate and the President *pro tempore* are elected by the Senate, while the other officers are elected by the respective caucuses. The President appoints the Secretary of the Senate, Sergeant-at-Arms, and Chaplain, subject to confirmation by the Senate. The Senate is further organized into standing committees and *ad hoc* or select committees, the memberships of which are appointed by the Committee on Committees.

The officers of the House of Representatives are the Speaker, the Speaker *pro tempore*, the majority floor leader, the minority floor leader, the majority whip, and the minority whip. The Speaker of the House is the presiding officer and the budget-approving authority for the House of Representatives. The Speaker and the Speaker *pro tempore* are elected by the House of Representatives, while the other officers are elected by the respective caucuses. The Speaker appoints the Chief Clerk of the House and the Sergeant-at-Arms, subject to confirmation by the House. The House of Representatives is further organized into standing committees and *ad hoc* or select committees, the memberships of which are appointed by the Speaker.

## FUNCTIONS OF STAFF DIVISIONS

The Legislative Services Division works within policy set by the 12-member bipartisan Legislative Council, which is composed of four members of the House of Representatives and four members of the Senate as well as the Speaker, President, and minority leaders of each house. The staff is organized into five functional offices: the Central Services Office, the Office of Research and Policy Analysis, the Legal Services Office, the Office of Legislative Information Technology, and the Legislative Environmental Policy Office.

The Central Services Office includes management, purchasing, publications distribution, financial and personnel functions, secretarial

support, final preparation of Legislative Services Division documents, legislative printing and distribution, and legislator information and telecommunications.

Financial services staff maintains Legislative Branch accounting and personnel records, processes claims and payrolls, prepares and monitors budgets, and requisitions supplies and equipment.

The document publication and distribution area involves final preparation of Legislative Services Division publications, coordination with printing contractors, and development and maintenance of customer data bases to control distribution, billing, collections, and accounting for publications in stock.

The documents processing area is responsible for the final preparation of Legislative Services Division documents, secretarial support for the Division, and reception/information services.

Final document preparation includes proofing and clerical preparation of introduced bills, engrossing and enrolling of bills, final preparation of letters and reports, operation of computer graphics programs, preparation of camera-ready copy for numerous publications, and maintenance of data bases used for these purposes.

Division secretaries support interim committee meetings through document preparation, composition of minutes, and maintenance of committee files.

The documents processing staff uses computerized word processing and data base management systems to operate with a high degree of effectiveness and accuracy with a small staff of word processing operators, secretaries, and proofreaders. Publication of the text of and annotations to the Montana Code Annotated, Rules of the Montana Legislature, code sections affected list, status, History and Final Status, and Session Laws are Office responsibilities.

Legislative Printing and Distribution is activated just before a legislative session and operates until a few weeks after session

adjournment. The distribution center distributes bills, amendments, resolutions, indexes, daily status, rules, and journals to legislators, state agencies, lobbyists, and other subscribers to the legislative proceedings. Proceedings are mailed daily to the 56 County Clerk and Recorders and 12 depository libraries in the state. The printing and distribution staff orders all printing, sets priorities on the printing based on legislative needs, prints the material, and delivers printed proceedings to the House and Senate bill distribution offices. The office also posts documents to the state BBS for electronic access.

During a legislative session, the Legislative Information and Telecommunications Service is in operation. This service is established just before a legislative session, operates 6 days a week during session, and provides legislative information to the public and to the many Capitol visitors. The staff assists in preparation of the legislative telephone directory. The staff also distributes the Rules of the Montana Legislature, daily committee hearing calendars, information available through the computerized information system, daily second- and third-reading agendas for the House and Senate, seating charts, and other relevant materials. The staff provides a telephone reception and messaging service for the Legislature.

The Office of Research and Policy Analysis and the Legal Services Office share many of the same responsibilities. Both offices perform general and specialized research, reference, and information functions. Both offices staff legislative committees during the session and throughout the interim, draft legislation, prepare legislative and staff reports, and provide information on the legislative process to the public.

The Office of Research and Policy Analysis has primary responsibility for staffing interim committees and providing reference services.

The Office also maintains a reference library that provides access to items of special interest to legislators and Legislative Branch staff. The library maintains a liaison with other libraries to help make information available as quickly as possible.



The Legal Services Office provides primary support for the Code Commissioner. The Code Commissioner, who is also the Legal Services Office Director, supervises the continuing codification, indexing, rearranging, and general updating of the text of and annotations to the Montana Code Annotated. During the interim, updating and publication of the Montana Code Annotated are a primary responsibility of the Legal Services Office. Codification is a time-consuming task for the Code Commissioner, the Legal Services Office staff, and the document processing staff immediately following a legislative session. Annotations, including case notes to federal and state court decisions and other materials useful to Montana Code Annotated users, are published separately from the MCA text in a booklet format that may be easily updated. The preparation of annotations text is a continuing interim responsibility of the Legal Services Office.

Legal Services staff also support the Administrative Code Committee in reviewing all Executive Branch rules, reviews all proposed ballot measures for conformity with the Legislative Services Division Bill Drafting Manual, and provides legal counseling to legislators on issues of state law.

Editors in the Legal Services Office maintain high quality in Legislative Services Division documents and publications, including legislation, initiative proposals, interim reports, and legal memorandums.

Indexers provide services in support of the Legislative Services Division's responsibilities. The indexers produce the Montana Code Annotated Index, the Legislative Review Index, the Session Law Indexes, the Bill Drafting Manual Index, and the Legislative Rules Index. Major indexes are updated during and after each legislative session, and the Montana Code Annotated Index undergoes continual editing and revision.

The Office of Legislative Information Technology provides computer network support personnel, systems analysts, and programmer/analysts who play a key role in planning, developing, and maintaining the computer network, systems, and applications used to support computer processing activities for the Legislative Branch.

As an example, personnel developed and maintain the system used to display bill status and other legislative information online during the session and they are responsible for daily preparation of the bill draft request report and the daily bill status report. Office personnel also are key to the continued development, integration, operation, and maintenance of Legislative Branch systems that contribute to accomplishment of branch missions.

The Legislative Environmental Policy Office (LEPO) staff, under the supervision of the Legislative Environmental Analyst, is responsible for assisting Environmental Quality Council (EQC) members in the fulfillment of their duties.

The LEPO staff acts as an impartial source of information on environmental matters for the EQC, the Legislature, and the public. Staff responsibilities include researching and writing reports, organizing and monitoring public meetings and hearings, drafting proposed legislation, and conducting studies assigned by the Legislature.

In addition, members of the LEPO staff serve as committee staff for the House and Senate Natural Resources Committees during legislative sessions.

The Legislative Fiscal Division is headed by the Legislative Fiscal Analyst and works within the policy set by the 12-member bipartisan Legislative Finance Committee, which is composed of at least four members of the House Appropriations Committee, four members of the Senate Finance and Claims Committee, and two members appointed at large from each house. The staff is organized into three functional areas: revenue estimation and tax policy, budget analysis, and office management (administrative support/information services).

The Legislative Audit Division is headed by the Legislative Auditor, appointed for a 2-year term by the 12-member Legislative Audit Committee. The Division comprises administrative staff and three functional components: Financial-Compliance Audit, Performance Audit, and Electronic Data Processing (EDP) Audit.

The Financial-Compliance Audit component performs audits of state agencies and local governments in accordance with applicable audit standards to determine whether an entity's financial operations are properly conducted, the financial reports are presented fairly, and it has complied with applicable laws and regulations. During each fiscal year, financial-compliance audit staff also complete work on legislative requests, special projects, and identified or suspected fraudulent activities involving federal or state agencies.

The Performance Audit component performs objective and systematic examinations of evidence designed to assess the performance of state government operations. The performance audit process typically includes a comprehensive review of a program's statutory directives, mission, and strategies. Auditors evaluate program operations in relation to principles of proper management, control, and use of resources and in accordance with government auditing standards. A determination is made as to whether agencies and programs are accomplishing their purposes and whether they can do so with greater efficiency and economy.

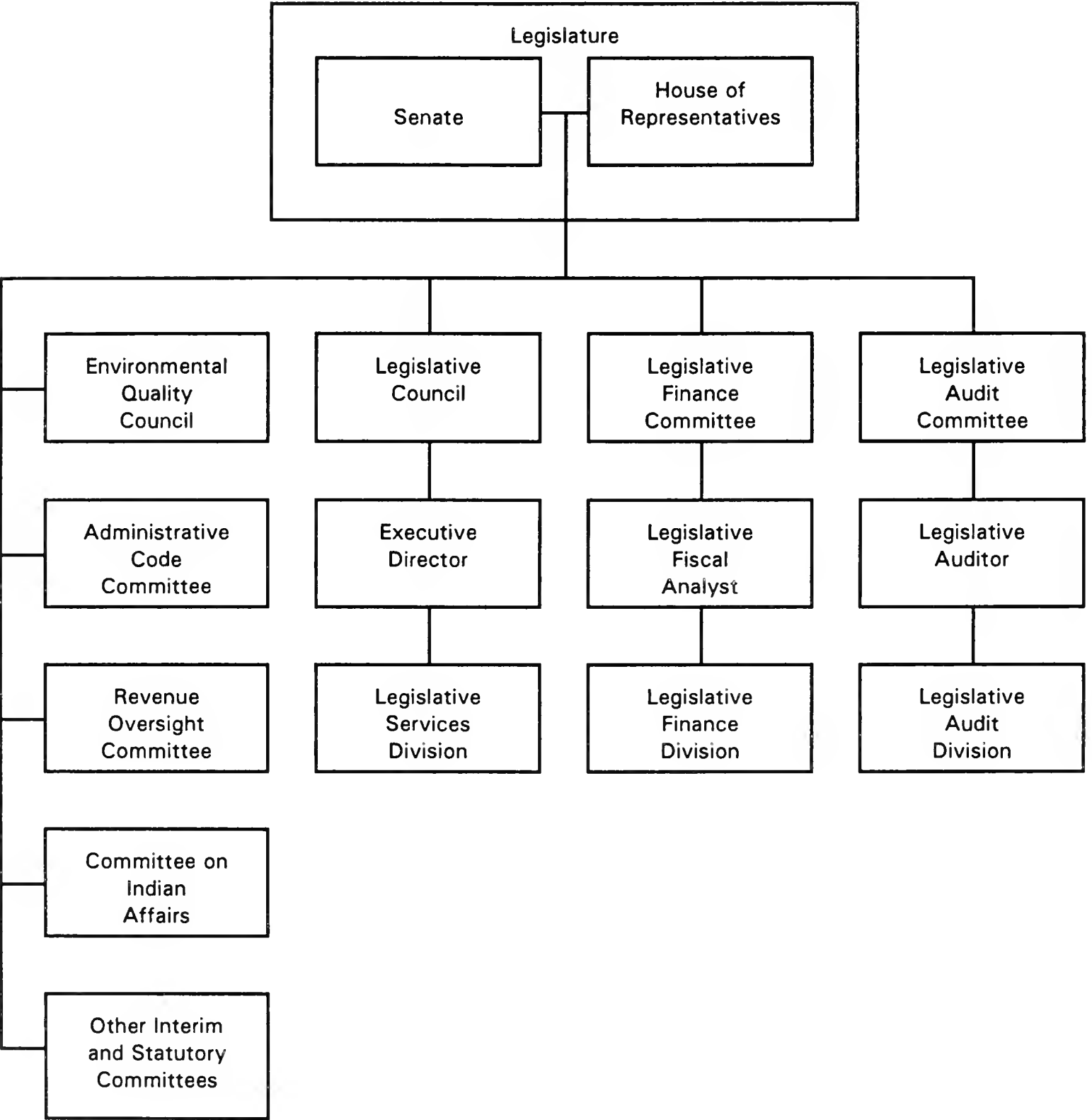
Performance audits include economy and efficiency audits and program audits. Economy and efficiency reviews determine whether a program is making the most efficient use of its resources. Program audits help to determine whether a program is achieving the desired results or benefits established by the Legislature, is effective, and is complying with applicable laws and rules. The Legislative Audit Committee establishes the priorities for the completion of performance audits. Performance audits may also be required by statute.

Performance audit staff also complete work on legislative requests and projects. Time required to complete these assignments varies. These tasks are completed using less formal procedures and guidelines than those used for completion of performance audits.

The Electronic Data Processing component conducts audits that combine some of the elements of both financial-compliance and performance audits. Controls within EDP operations are examined to determine whether assets are adequately safeguarded and to determine the reliability of computer-generated reports. In addition, EDP audits address

efficiency and effectiveness issues, such as acquisition of computer equipment and security and management of computer resources. Component personnel review information technology and computer-related issues, develop as specialists and technicians, and provide additional training to all staff members.

Legislative Branch  
Organizational Chart



## LEGISLATIVE BRANCH PROGRAM STRUCTURE

For budgeting purposes, Legislative Branch agency activities are organized into seven programs operating within the preceding agencies. The Senate Program, House Program, and Feed Bill Program are funded through bills appropriating money for the operation of the Legislature, including Senate and House member, staff, and session and interim operational expenses and Legislative Services Division expenses for legislative information, bill printing and distribution, legislative publications, and legislative telephone services.

The Legislative Services Program, Legislative Committees and Activities Program, Legislative Audit Program, and Legislative Fiscal Program are discussed at length in, "Legislative Branch Mission, Goals, and Objectives: 2001 Biennium", available at the Legislative Services Division in Room 138 of the Capitol.

The Consumer Counsel is an office mandated by the 1972 Constitution and provided for by a statute enacted in 1973. Supervision and policy guidance come from the Legislative Consumer Committee, four legislators appointed for two-year terms in the same manner as standing committees are appointed. The two members from each house must be from different political parties.

The committee hires the Consumer Counsel, who must be a lawyer with a background in accounting. The Consumer Counsel's main function is to represent the interests of utility and transportation consumers before the Public Service Commission and federal agencies. In fulfilling this function, the Consumer Counsel and his or her staff fully participate in every major utility rate filing by presenting expert testimony and other evidence and argument to the Public Service Commission. He or she can appeal decisions to the courts and can supply information to legislators regarding regulated transportation and utility rates.



## CHAPTER XIV

### MONTANA STATE GOVERNMENT

#### THREE BRANCHES

Like the classic Latin phrase, "All of Gaul is divided into three parts", state government is divided into three branches: the Judicial, Executive, and Legislative. There are only three basic functions of government:

(1) to determine the rules and laws under which government will function (set policy);

(2) to carry out policy; and

(3) to settle disputes arising from interpretations or applications of the policy.

Traditionally, in accordance with our constitutional guarantee of a "republican form of government", each of the functions of government is supposed to be carried out by a separate branch of government. However, the complexity of modern life has required the delegation of substantial policymaking power to the various executive departments. One need only look at the massive administrative code (which contains rules adopted by state agencies pursuant to the "Montana Administrative Procedure Act" that are as binding as law) to know that the Executive Branch also has "lawmaking" power. Also, the Governor has inherent power to issue Executive Orders that sometimes carry as much weight as law.

In fact, the legislative function is exercised in some degree by all three branches of government—even by the courts. Historically "judge-made law" is the principal source of our common law, and by interpreting laws, declaring some of them void, unconstitutional, etc., the courts are constantly exercising "legislative power".

In other words, absolute "Separation of Powers" is somewhat of a fiction in light of the extensive overlap that exists.

## JUDICIAL BRANCH

The judicial power of the state is vested in the Supreme Court, consisting of a Chief Justice and six Justices; District Courts; Justices' Courts; and City Courts.

The Supreme Court hears appeals from the District Courts and is also a court of original jurisdiction in certain cases. For instance, if it is imperative that a law be interpreted as quickly as possible, the Supreme Court may assume original jurisdiction and decide the controversy at once. Examples of such cases are controversies concerning laws that might affect an upcoming election or that are causing a public strike of an emergency nature. Any inquiries regarding the Supreme Court should be directed to the Chief Justice.

### Clerk of Court

The Clerk of the Supreme Court keeps all Supreme Court records, maintains the Court docket, and performs various other tasks. If you want to simply find out something about the Supreme Court, the Clerk's office located in the Department of Justice/Supreme Court Building is a good place to start.

### Supreme Court Administrator

The Administrator of the Supreme Court is the chief administrative staff person of the judiciary. Answerable to all seven members of the Supreme Court, the administrator executes the day-to-day administrative operations of the Supreme Court, including administrative matters concerning district courts and courts of limited jurisdiction.

### State Law Library

The Law Library is primarily for the use of the Supreme Court justices, the Attorney General, and their respective staffs, but its resources are available to legislators, state legal professionals, and the public on a more limited basis. The Law Library's collection includes statute text analogous to the *Montana Code Annotated* for every state, current *United*



*States Codes*, current *Code of Federal Regulations*, and a host of other legal documents and publications.

## EXECUTIVE BRANCH

Prior to a 1970 constitutional amendment, the Executive Branch consisted of about 188 separate agencies. There are now 13 principal departments under the authority of the Governor.

Other elected officials head separate agencies:

(1) Attorney General, the Department of Justice;

(2) Superintendent of Public Instruction, the Office of Public Instruction;

(3) State Auditor, the Insurance Department and the Investment Department;

(4) Secretary of State, the Office of the Secretary of State;

(5) Public Service Commissioners (five), the Department of Public Service Regulation.

### Identifying the Proper Agency

One of the first questions a legislator asks is, "Where do I find this particular information about a particular program in the Executive Branch?"

The legislator needs to know which agency is likely to have the information he or she needs. There are various sources to use in identifying the proper agency:

(1) The Department Organization Charts. The name of the division, bureau, or section is usually a clue to its functions. Organizational charts for each executive department are available in the *Administrative Rules of Montana* and can be provided to legislators who want them.

(2) Executive Budget Book. Nearly every legislator can make effective use of this book. It will be very useful if you initially select departments and programs that especially interest you or are of importance to your constituents, and spend time becoming familiar with the proposals for the departments or programs. The budget book is organized on the "program approach" so that a reader can determine which agencies are responsible for which programs and how much the programs cost. A copy of the budget book is among the reading materials given each legislator when the session begins. The budget analysts in the Governor's Office of Budget and Program Planning or in the Legislative Fiscal Division are always willing to answer questions on issues raised in the budget.

### Department Contact

Because of space limitations for explaining programs and agency operations, the budget book is not a complete source of information. Many legislators will want to go directly to the department. Most of the departments are no longer located in the Capitol. The session phone directory lists the various agencies, street addresses, and telephone numbers. Call the director, identify yourself as a legislator, specify the information you are interested in, and find out if and when you may see him or her. The director will be glad to discuss his or her department with you and will make the proper members of his or her staff available to you. Initial contact with an agency on an issue or on a problem should be made through the department director's office.

### Executive Branch Legislative Liaison

Usually the Governor appoints a legislative liaison as the person to contact if you want to know:

the Governor's position on legislation (very often he or she may have none), general information concerning the Executive Branch, how to approach a certain agency, who to see, etc. The Legislative Services Division staff is always available as an information source. However, during the session, staff members assist committees, draft bills, etc., and do not have ample time for in-depth research. As a result, the major source of information about the executive agencies remains

with the executive agencies. A legislator must be aware that this information is not always the most objective information; the agencies usually have something at stake with various alternatives. Experienced legislators can tell you which agency people tend to paint their agency in as glowing a light as possible and which can be relied upon to give you unbiased answers. Freshmen legislators have to learn.

A former legislator had this advice for approaching executive agency personnel:

The best approach I've found when contacting agencies is to use a little bit of psychology. If you go into the agency like Gangbusters, with a chip on your shoulder and a club in your hand, the chances are that you'll be met by a very polite fellow with a chip on his shoulder and a club in his hand. And he'll very politely rap you over the head with it. And you won't know what happened. You wind up in an agency and you talk to agency operator "A" and "B" and all of a sudden you're on the fire escape outside and you haven't found out anything. On the other hand, if you have a sincere and conscientious desire to investigate some program, and it's expressed that way, you'll usually have good cooperation from agency people even in this quasi-adversary system where the agency may be "on the spot". You'll also find that many agency people think that the Legislature is like the common cold, a necessary evil. In spite of the semi-adversary ways of proceeding, if you develop a relationship with those agencies, you can get specific answers to specific questions.

Another former legislator had this to say:

Legislators are supposed to be policymakers, but lately the role has been reversed with the policy and the Legislature merely acting as a veto body or as a rubber stamp to OK the programs.

If, as a legislator you have a special area of interest—for instance, highway contracts or state grazing leases and you think there might be a problem—maybe you've heard rumors about this and that but you're not sure that legislation is needed—why not talk it over with

the appropriate committee presiding officer? If the area of interest is of broad enough concern it's possible to have the committee call the department director and responsible personnel for a heart-to-heart question and answer period.

Just how does the department let contracts? Just exactly what does this program do? Have you thought about this alternative? Why is it really necessary? What would happen if we abolished it? Why couldn't this other division do it?

Legislators often have very good ideas that work. You should have the opportunity to at least ask the executive agency if they have thought of alternatives. If so and it was discarded, why? This suggestion might save the time and expense of offering bills that aren't really necessary.

You won't find a format for this or even any precedent but it might be worth a try.

### Suggestions for Seeking Information

(1) Make certain that requests submitted to agencies are reasonable and can be handled with a minimum amount of inconvenience.

(2) If you don't know the person best able to help you with this request, ask the department director or the Governor's office to find out who is the best contact. Once you have contacted him or her, let that person deal with it and don't try to go around him or her and bring all sorts of other people in. In order to identify this person, use those resources at your disposal, including the director, agency directories, informed persons within the agency, other legislators, and lobbyists. (Keep a little notebook handy in which you can jot down "What's-his-or-her-name in the \_\_\_\_\_ department—handles such and such problems.")

(3) Because time is one of the most valuable commodities for legislators and agency employees, requests should be as brief and succinct as possible and you should always indicate the urgency of your requests.

(4) Since your initial contact about any problem will usually be over the phone, always identify yourself as a Senator or Representative. Use a follow-up procedure that reminds the agency of the request and keeps fresh in your mind the purposes of the inquiry. One technique for doing this is to make a request by reducing it to a succinct written request sent to the attention of someone in the agency with whom you've developed some rapport. You'll find it's much easier for the agency to handle. And, furthermore, you'll have a record of what you asked. And when the information comes back, you'll be able to compare it with the question that you posed on the paper. Strangely enough, lots of times a question comes to your mind, you ask it over the telephone, the agency goes to work on it, and a couple of weeks, maybe a month, later you get some information back on it and you've forgotten the question! You've forgotten why you wanted to know that. So, it's a good idea, every time that you can, to reduce the thing to writing and send it to the agency. If you can't do that, at least make a memo to yourself as to the nature of the inquiry and why you want the information. It's helpful if you also include what the hunch was that prompted you to ask the question.

(5) Finally, do the proper follow-up work in order to communicate the results of your request to the proper persons, to a constituent, a committee, or yourself.



## **GLOSSARY OF COMMONLY USED LEGISLATIVE TERMS**

**ACT:** A bill that has been passed by both the House and the Senate, enrolled, approved by the Governor or passed over the Governor's veto, and published.

**ADJOURNMENT:** Ending of a meeting or legislative session. Adjournment of the House or Senate takes place at the close of each legislative day, with the hour and day of the next meeting set before adjournment.

**ADJOURNMENT SINE DIE:** Ending of the Legislature until the next session. No future meeting date is set except as provided in the Constitution.

**ADOPTION:** Approval or acceptance; usually applied to motions, amendments, and resolutions.

**AMENDMENT:** A change proposed or made to a bill or motion. Amendments may be offered in a standing committee, conference committee, or on second reading during Committee of the Whole.

**APPROPRIATION:** Legislative authority for expenditure of state money for a specific purpose by the various departments of state government.

**APPROVAL:** Signature by the Governor of a bill passed by the Legislature.

**BILL:** A legislative proposal sponsored by a legislator. If a bill is passed by both the House and the Senate and approved by the Governor, it becomes a law.

**CALL OF THE HOUSE (SENATE):** A procedure used to compel attendance of members for the consideration of any specific item of legislative business.

**CALL TO ORDER:** The action of the presiding officer that brings either house officially into session.

**CAT AND DOG BILL:** A bill that makes a specific appropriation for a specific purpose that is not included in the general appropriations bill.

**CATCHLINE:** A phrase at the beginning of each section containing a short description of the section. It is not part of the law.

**CAUCUS:** A meeting of all members of a political party. The term also refers collectively to all members of a political party in a house.

**CHAMBER:** The official meeting place of the Senate or the House of Representatives.

**CHIEF CLERK:** A person appointed by the majority party of the House of Representatives to perform and direct the parliamentary and clerical functions of the House.

**CLERICAL:** A form used to record clerical corrections to an engrossed bill.

**CODE OR CODES:** The Montana Code Annotated (MCA) statutes (the current Montana statutory law of a permanent nature).

**COMMITTEE:** A group of legislators chosen to consider and make recommendations on bills and other matters in a particular subject area.

**COMMITTEE CHAIR:** The legislator appointed to preside over a standing or special committee as it conducts its business.

**COMMITTEE OF THE WHOLE:** The convening of an entire house into committee for the transaction of business.

**COMMITTEE REPORT:** An official release of a bill or resolution from a committee to the chamber as a whole. A committee report may recommend that the chamber act favorably or unfavorably on the bill or resolution.



**COMMITTEE SECRETARY:** An employee designated to keep the minutes and official record of votes and other actions taken at committee meetings.

**CONCURRENCE:** Agreement by one house to a proposal or action taken in the other house.

**CONFERENCE COMMITTEE:** A group of legislators appointed by the presiding officer in each house to resolve differences between the houses on a bill. A conference committee is limited to consideration of the disputed amendment. A free conference committee may consider the entire bill.

**CONFIRMATION:** Approval by the Senate of an appointment made by the Governor.

**CONFLICT OF INTEREST:** The existence of a personal interest of a legislator that affects the ability of that legislator to vote impartially.

**CONSTITUENT:** A person who lives in the district represented by a legislator.

**CONVENE:** To officially begin a meeting of a legislative body.

**DISTRICT:** The geographic area of Montana represented by a legislator. District boundary lines are determined on the basis of population. Each district is designated by a number. A Senate district consists of two contiguous House districts.

**EFFECTIVE DATE:** The date on which a law becomes binding. The effective date for general laws is October 1 following passage and approval unless the legislation contains a specific date. The effective date for appropriations is July 1 following passage and approval. The effective date for legislation imposing or increasing a tax or fee on motor vehicles is January 1 following passage and approval.

**ENGROSSING:** The incorporation of amendments and all appropriate technical corrections into a bill.

**ENROLLING:** The preparation of a bill in the form that it finally passes the Legislature.

**ENVIRONMENTAL QUALITY COUNCIL (EQC):** An entity consisting of legislators and individuals with responsibility for review, investigation, and analysis of the state's role in preserving and enhancing the quality of the environment.

**FISCAL NOTE:** A note attached to a bill that estimates the financial impact of the bill on government entities.

**FISCAL YEAR:** The 12-month period used for state financial purposes. The fiscal year begins on July 1 and ends on June 30.

**FULL-TIME EQUIVALENT (FTE):** A budgeting unit for determining employment numbers in an agency. One FTE position represents 2,080 working hours in a fiscal year.

**GENERAL FUND:** The treasury fund into which all money not earmarked for a specific purpose is deposited. The general fund supports the general functions of state government.

**GERMANENESS:** The relevance or appropriateness of an amendment to a bill. If an amendment is determined to be not germane to the bill, it cannot be made to the bill.

**HEARING:** Public discussion scheduled by a standing committee for the purpose of gathering information on a bill.

**HISTORY:** A listing of legislative action stamped on the back of the bill.

**IMPEACHMENT:** The procedure for removing from office a public official accused of misconduct.

**INDEFINITELY POSTPONE:** A motion to dispose of a bill without taking an affirmative or negative vote on the bill. A bill that is indefinitely postponed may not be acted on again absent a motion to reconsider.

Unless the motion to indefinitely postpone a bill is reconsidered, the bill is treated as if it were finally rejected.

**INTERIM:** The period of time between regular legislative sessions.

**INTERIM COMMITTEE:** A committee created to study a specific matter during the time the Legislature is not in session and to make recommendations to the next regular session of the Legislature.

**INTRODUCED BILL:** A bill that is signed by the sponsor and assigned a bill number in the House or Senate.

**INTRODUCTION:** The formal presentation of a bill into the legislative process, at which time the bill is given a number designation.

**ITEM VETO:** The disapproval by the Governor of a specific appropriation.

**JOINT RESOLUTION:** A resolution acted upon by both houses and requiring approval by a majority in each house. A resolution is not transmitted to the Governor for consideration. A resolution may be used to express the opinion of the Legislature, request an interim study, revise joint rules, set compensation for legislative employees, approve construction of certain state buildings, ratify or propose amendments to the United States Constitution, or advise or request the repeal, amendment, or adoption of an administrative rule.

**JOURNAL:** The official chronological record of the proceedings in a house.

**LC:** A bill in the draft stage before it has been introduced and assigned a Senate or House bill number.

**LEGISLATIVE AUDIT COMMITTEE:** A statutory committee that oversees the Legislative Audit Division.

**LEGISLATIVE AUDIT DIVISION (LAD):** The division headed by the Legislative Auditor. The audit staff perform financial and performance

audits of governmental agencies to determine whether expenditures are made in furtherance of authorized activities in an efficient and effective manner.

**LEGISLATIVE AUDITOR:** The Legislative Auditor serves as Division director of the Legislative Audit Division. The Legislative Audit Committee selects the Legislative Auditor.

**LEGISLATIVE COUNCIL:** A statutory committee that oversees the Legislative Services Division.

**LEGISLATIVE ENVIRONMENTAL POLICY OFFICE (LEPO):** The staff performing functions for the EQC.

**LEGISLATIVE FINANCE COMMITTEE:** A statutory committee that oversees the Legislative Fiscal Division.

**LEGISLATIVE FISCAL ANALYST (LFA):** The officer who provides for the fiscal analysis of state government and serves as Division director of the Legislative Fiscal Division. The Legislative Finance Committee selects the LFA.

**LEGISLATIVE FISCAL DIVISION (LFD):** The division headed by the Legislative Fiscal Analyst (LFA). The LFA and staff provide for the fiscal analysis of state government. The staff analyzes the executive budget and staffs the committees responsible for state government.

**LEGISLATIVE SERVICES DIVISION (LSD):** Permanent administrative staff of the Legislature. The staff consists of a legal services office, an office of research and policy analysis, a legislative environmental policy office, a central services office, and an office of legislative information technology. The staff is responsible for drafting bills, staffing committees, providing support services to the Legislature, and codifying and publishing laws.

**LEGISLATOR:** A member of either the Senate or the House of Representatives.

**LEGISLATURE:** The Senate and House of Representatives collectively.

**LOBBYIST:** An individual who encourages the passage, defeat, or modification of proposed legislation on behalf of a principal.

**MAJORITY LEADER:** The member of the majority party in each house who is elected to be the party's leader. The Majority Leader is responsible for scheduling floor activity. The Majority Leader follows committee work in order to produce a steady flow of bills for floor debate and in order to project time consumption. The Majority Leader assists the presiding officer in calendaring bills. The Majority Leader is the lead speaker in floor debate and assists the Speaker of the House or the President of the Senate in program development and policy formation. The Majority Leader is an ex officio member of all standing committees.

**MAJORITY PARTY:** The political party having the most members in a house.

**MESSAGE FROM THE GOVERNOR:** An official communication from the Governor recorded in the journal.

**MESSAGE FROM THE SENATE (HOUSE):** An official communication from the opposite house that is recorded in the journal.

**MINORITY LEADER:** The member of the minority party in a house who is elected to be the party's leader. The Minority Leader develops the minority position and negotiates with the majority party. The Minority Leader directs floor activity for the minority party and leads the floor debate for the minority party. The Minority Leader is an ex officio member of all standing committees.

**MINORITY PARTY:** The political party having fewer than a majority of the members of a house.

**MINUTES:** A record of the actions taken at a committee meeting that serves as the official record of the meeting.

**MONTANA CODE ANNOTATED (MCA):** The official codified, published version of the statutes of Montana that are of a permanent or general nature.

**MOTION:** A formal proposal offered by a member.

**MOTION TO RECONSIDER:** A motion that, if approved, allows a second vote on a previous action.

**ORDER OF BUSINESS:** The established sequence of activity for each legislative day.

**PER DIEM:** Literally “for a day”. Per diem is a payment that a legislator receives to defray expenses associated with attending official legislative meetings or for conducting official legislative business.

**POINT OF ORDER:** An action of a member that calls attention to a perceived breach of a house’s rules.

**POINT OF PERSONAL PRIVILEGE:** A procedure that allows a member to make personal comments on any subject while a house is in session.

**PREAMBLE:** An optional preliminary statement of the reasons for the enactment of the law that begins with the word "WHEREAS". It does not become law.

**PREINTRODUCED BILL:** A bill that is introduced and distributed prior to the convening of the legislative session.

**PRESIDENT OF THE SENATE:** The presiding officer of the Senate and the majority party leader. The President preserves order, recognizes those wishing to speak, and makes the initial ruling on questions of procedure. The President determines who is to preside during the second reading of bills. The President approves the calendar for each legislative day. The President assigns all bills to standing committees. The President is an ex officio member of all standing committees. The President controls access to the Senate floor.

**PRESIDING OFFICER:** The person elected to direct the activities of a house.

**PREVIOUS QUESTION:** A motion to close debate and bring the pending question to an immediate vote.

**PRO TEMPORE:** The member of the house who acts in the absence of the regular presiding officer.

**QUORUM:** The minimum number of members required to be present in order for a legislative body to conduct business. A quorum is one more than half of the membership.

**READING:** Presentation of a bill before either house by the reading of the bill's title. In Montana, a bill must have three readings in each house.

**REAPPORTIONMENT:** The redrawing of United States congressional districts to reflect changes in population based upon the decennial census.

**RECESS:** A break in the daily legislative session.

**REDISTRICTING:** Redrawing the Montana House and Senate legislative district lines to reflect changes in the state's population.

**REDO:** An LC in which changes are made after the bill has been partially processed by the Legislative Services Division but prior to introduction.

**REFERENCE BILL:** A bill that has passed third reading in both houses.

**REFERRAL:** The sending of bills to committees by the presiding officer.

**REGULAR SESSION:** The period of 90 days during each odd-numbered year when the Legislature is scheduled to meet to consider all areas of legislation.

**REPEAL:** The method by which a previous statute is rescinded.



**REQUESTER:** The legislator or legislative entity that asks that a bill or resolution be drafted.

**RESOLUTION:** A formal legislative expression of opinion. A resolution may be acted upon by either house or by both houses. A resolution is not transmitted to the Governor.

**ROLL CALL VOTE:** A method of recording votes by printing the names of the members and their votes. Roll call votes are taken by voting machines in each house.

**RULES:** Regulations and principles governing procedures that are adopted for each house and for actions between the houses.

**SECRETARY OF THE SENATE:** The officer of the Senate appointed by the majority party of the Senate to perform and direct the parliamentary and clerical functions of the Senate.

**SERGEANT-AT-ARMS:** An appointed officer of a house who is responsible for maintaining order, regulating access to the chamber, and carrying out the requests of the presiding officer or membership.

**SESSION LAWS:** The printed compilation of all bills enacted by each session of the Legislature.

**SPEAKER OF THE HOUSE:** The presiding officer of the House of Representatives and the leader of the majority party in the House. The Speaker preserves order, recognizes those wishing to speak, and makes the initial ruling on questions of procedure. The Speaker determines who is to preside during the second reading of bills. The Speaker is an ex officio member of all standing committees. The Speaker appoints the members of the standing committees and assigns the bills to the committees. The Speaker arranges the agenda for the second and third reading of bills. The Speaker is responsible for the supervision of House employees.

**SPECIAL SESSION:** An extraordinary convening of the Legislature either at the request of the Governor or a majority of the members. A



special session may be limited to matters specified in the call of the special session.

**SPONSOR:** The legislator that introduces a bill.

**STANDING COMMITTEE:** A committee established by a house's rules to consider legislation in a specified subject area.

**STATUTE:** A permanent or general law codified as part of the Montana Code Annotated.

**SUBCOMMITTEE:** A group of members of a standing committee appointed by the chair of the committee to study and report on a specified bill or subject.

**SUBSTITUTE BILL:** An amendment that replaces an entire bill.

**TABLE:** A motion used in committee to set aside consideration of a bill in a way that allows the bill to be reconsidered at the will of the committee. The bill remains in the committee and is not reported to the house. A committee may, upon an affirmative vote, take up consideration of a bill that has been tabled. In Montana, a motion to table is often used to finally dispose of a bill without requiring consideration by the Committee of the Whole.

**VETO:** An action taken by the Governor to prevent the enactment of a bill. The Governor has the option of using three types of vetoes: the veto, in which the Governor disapproves the entire bill; the amendatory veto, in which the Governor returns the bill to the Legislature with recommendations for amendment; and the item veto, in which the Governor disapproves specific appropriations. The Legislature may override a veto or an item veto by a two-thirds vote of the members of each house. If the Legislature rejects the Governor's suggested amendments, the Governor must sign the bill, veto the bill, or take no action on the bill. The Governor may not return a bill with suggested amendments a second time.

**WELL:** The area of a chamber directly in front of the rostrum in the chamber.

**WHIP:** The elected officer in each caucus in each house through whom the party machinery is set in motion to conduct business for the house. The Whip is responsible for determining the direction in which opinion is moving and to suggest methods for mitigating or removing discontent. The Whip is responsible for having members present at moments of importance to the party. The Whip arranges the pairing of votes.

## **GLOSSARY OF COMMONLY USED ACRONYMS**

ACC	Administrative Code Committee
ACIS	Adult Correctional Information System
ADP	Average Daily Population
AFDC	Aid to Families with Dependent Children
AFIS	Automated Fingerprinting Information System
ANB	Average Number Belonging (students in a school)
APS	Adult Protective Services
ARM	Administrative Rules of Montana
BAC	Blood Alcohol Content
BASE	Base Amount for School Equity
BIA	Bureau of Indian Affairs (federal)
BLM	Bureau of Land Management (federal)
Btu's	British Thermal Units
CAFR	Comprehensive Annual Financial Report
CAPS	Child and Adult Protective Services
CDBG	Community Development Block Grant
CDC	Centers for Disease Control (federal)
CECRA	Comprehensive Environmental Cleanup and Responsibility Act (Title 75, ch. 10, part 7)

CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (federal)
CFR	Code of Federal Regulations
CHIP	Childrens Health Insurance Program
CHRS	Criminal History Records System
CJIN	Criminal Justice Information Network
CJIS	Criminal Justice Information System
CLE	Continuing Legal Education
COLA	Cost-of-Living Adjustment
CPA	Certified Public Accountant
CPERS	Committee on Public Employee Retirement Systems
CPI	Consumer Price Index
CPS	Child Protective Services
CSG	Council of State Governments
DARE	Drug Abuse Resistance Education
D of A	Department of Administration
D of C	Department of Corrections (also DOC)
DEQ	Department of Environmental Quality
DNRC	Department of Natural Resources and Conservation
DPHHS	Department of Public Health and Human Services

DOR	Department of Revenue
DOT	Department of Transportation
DUI	Driving Under the Influence (of alcohol or drugs)
EEO	Equal Employment Opportunity
EMS	Emergency Medical Services
EMT	Emergency Medical Technician
EPA	Environmental Protection Agency (federal)
EQC	Environmental Quality Council
FAA	Federal Aviation Administration
FAIM	Families Achieving Independence in Montana
FCC	Federal Communications Commission
FDA	Food and Drug Administration (federal)
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act (federal)
FTC	Federal Trade Commission
FTE	Full-Time Equivalent (employee)
FWP	Department of Fish, Wildlife, and Parks
FY	Fiscal Year
GABA	Guaranteed Annual Benefit Adjustment
GF	General Fund

GNP	Gross National Product
GTB	Guaranteed Tax Base Aid (school funding)
GVW	Gross Vehicle Weight
HUD	Housing and Urban Development (federal)
ICC	Interstate Commerce Commission (federal)
ICCW	Intergovernmental Coordinating Committee for Women
IRC	Internal Revenue Code (federal)
ISD	Information Services Division (D of A)
IT	Information Technology
JTPA	Job Training Partnership Act (federal)
LAC	Legislative Audit Committee
LAD	Legislative Audit Division
LAWS	Legislative Automated Workflow System
LC	Legislative Council
LEPO	Legislative Environmental Policy Office
LFA	Legislative Fiscal Analyst
LFC	Legislative Finance Committee
LFD	Legislative Fiscal Division
LGST	Local Government Severance Tax

LPG	Liquefied Petroleum Gas
LSD	Legislative Services Division
LUST	Leaking Underground Storage Tank
MACCS	Montana Automated Child Care System
MACo	Montana Association of Counties
MAPA	Montana Administrative Procedure Act (Title 2, ch. 4)
MBARS	Montana Budgeting, Analysis and Reporting System
MBCC	Montana Board of Crime Control
MCA	Montana Code Annotated (the codified laws of Montana)
MCP	Montana Community Partners
MEA	Montana Education Association
MEPA	Montana Environmental Policy Act (Title 75, ch. 1, parts 1-3)
METNET	Montana Educational Telecommunications Network (Title 20, ch. 32, part 1)
MHAP	Mental Health Access Plan
MHMC	mental health managed care
MHSA	Montana High School Association
MIAMI	Montana Initiative for the Abatement of Mortality in Infants (Title 50, ch. 19, part 3)
MLEA	Montana Law Enforcement Academy

MPEA	Montana Public Employees Association
MSDB	Montana School for the Deaf and Blind
MSP	Montana State Prison (men)
MWP	Montana Womens Prison
NCSL	National Conference of State Legislatures
NCCUSL	National Conference of Commissioners of Uniform State Laws
NEA	National Endowment for the Arts
NEPA	National Environmental Policy Act
NLRB	National Labor Relations Board
OBPP	Office of Budget and Program Planning
OPI	Office of Public Instruction
ORPA	Office of Research and Policy Analysis (in LSD)
OSHA	Occupational Safety and Health Administration (federal)
PAC	Political Action Committee
PERD	Public Employees' Retirement Division
PERS	Public Employees' Retirement System
PNWER	Pacific Northwest Economic Region
POST	Peace Officers Standards and Training Council
PSC	Public Service Commission



RCM	Revised Codes of Montana (predecessor to the MCA)
RCRA	Resource Conservation and Recovery Act of 1976 (federal)
RID	Rural Improvement District
RIF	Reduction in Force
RIGWAT	Resource Indemnity and Groundwater Assessment Tax
RIT	Resource Indemnity Trust
RITT	Resource Indemnity Trust Tax (now RIGWAT)
ROC	Revenue Oversight Committee
RSID	Rural Special Improvement District
SBA	Small Business Administration (federal)
SEARCHS	System for Enforcement and Recovery of Child Support
SID	Special Improvement District
STAB	State Tax Appeal Board
TAC	Transition Advisory Committee (for utility restructuring)
TANF	Temporary Assistance for Needy Families
TEA-21	Transportation Equity Act for the 21st Century
TEAMS	The Economic Assistance Management System
TRS	Teachers Retirement System
TSEP	Treasure State Endowment Program

UCC	Uniform Commercial Code (Title 30, ch. 1-9)
UIFSA	Uniform Interstate Family Support Act (Title 40, ch. 5, part 1, see URESA)
UPC	Uniform Probate Code (Title 72, ch. 1-5)
URESА	Uniform Reciprocal Enforcement of Support Act (actually RURESА, Revised Uniform Reciprocal Enforcement of Support Act, replaced by UIFSA)
USC	United States Code
USCA	United States Code Annotated
UST	Underground Storage Tank
WAMI	Washington, Alaska, Montana, and Idaho Cooperative (education)
WIC	Women, Infants, and Children (federal)
WICHE	Western Interstate Commission for Higher Education
Y2K	Year 2000

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